



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

### 5.1 Consultation Report and Appendices

Appendices J1 to J2: Supporting documents relating to Environmental Impact Assessment consultation

Planning Act 2008: Sections 37(3)

Author: North Somerset District Council

Date: November 2019



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### 5.1 – Consultation Report and Appendices Appendix J1: Scoping Request letter to PINS

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Date: November 2019





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Dear Sirs at the Planning Inspectorate

**PORTISHEAD BRANCH LINE (METROWEST PHASE 1)  
SCOPING REQUEST**

North Somerset District Council (the **Applicant**) proposes to re-open the Portishead Branch Line (the **Project**) for passenger services, to enhance local rail services across the West of England. The Project falls within the definition of a “nationally significant infrastructure project” and, as a result, the Applicant is required to submit an application for a development consent order to the Secretary of State.

Please find enclosed a Scoping Report containing all of the information required by Regulation 8(3) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the **EIA Regulations**). Accordingly, we would be grateful if you could provide your opinion as to the information to be provided in the Environmental Statement for the Project (the **Scoping Opinion**).

Please also treat this letter as notification under Regulation 6(1)(b) of the EIA Regulations that an Environmental Impact Assessment will be prepared for the Project. As required by Regulation 6, the Scoping Report encloses a plan identifying the land and a brief description of the nature and purpose of the Project and of its possible effects on the environment.

The enclosed CD contains the Project Environmental Impact Scoping Report and also contains a shape file showing the red line boundary.

We will also provide you with two paper copies of the Environmental Impact Baseline and Scoping Reports and a CD with the Baseline Report, we plan to deliver these documents to you on Wednesday 24 June. If you have any queries please contact me.

Yours faithfully



James Willcock  
MetroWest Phase 1 Project Manager



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

### 5.1 – Consultation Report and Appendices

#### Appendix J4: Environmental Impact Assessment Scoping Opinion

Planning Act 2008: Sections 37(3)

Author: North Somerset District Council

Date: November 2019





# SCOPING OPINION

## Proposed Portishead Branch Line (MetroWest Phase 1)



August 2015







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## EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for the Portishead Branch Line (MetroWest Phase 1), North Somerset/Bristol.

This report sets out the Secretary of State's Opinion on the basis of the information provided in the ('the applicant') report entitled Scoping Report (June 2015) ('the Scoping Report') and the associated Baseline Report (June 2015). The Opinion can only reflect the proposals as currently described by the applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- (i) Transport, Access and Non-Motorised Users;
- (ii) Ecology and Biodiversity;
- (iii) Soils, Agriculture, Land Use and Assets;
- (iv) Geology, Hydrogeology, Ground Conditions, and Contaminated Land;
- (v) Socio-economics and Economic Regeneration; and
- (vi) Cumulative impacts with the other development proposals which form part of the wider MetroWest programme.

Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.

The Secretary of State notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations).



# 1. INTRODUCTION

## Background

1.1 On 24 June 2015, the Secretary of State received the Scoping Report submitted by North Somerset Council under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the proposed Portishead Branch Line (MetroWest Phase 1) ('the proposed development'). This Opinion is made in response to this request and should be read in conjunction with the documents submitted with the scoping request:

- Scoping Report (June 2015)
- Baseline Report (June 2015)

1.2 The applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed development is determined to be EIA development.

1.3 The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the Secretary of State to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the environmental statement (ES).

1.4 Before adopting a scoping opinion the Secretary of State must take into account:

- (a) the specific characteristics of the particular development;*
- (b) the specific characteristics of the development of the type concerned; and*
- (c) environmental features likely to be affected by the development'.*

*(EIA Regulation 8 (9))*

1.5 This Opinion sets out what information the Secretary of State considers should be included in the ES for the proposed development. The Opinion has taken account of:

- The EIA Regulations;
- The nature and scale of the proposed development;
- The nature of the receiving environment; and
- Current best practice in the preparation of an ES.

- 1.6 The Secretary of State has also taken account of the responses received from the statutory consultees (see Appendix 2 of this Opinion). The matters addressed by the applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Secretary of State will take account of relevant legislation and guidelines (as appropriate). The Secretary of State will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).
- 1.7 This Opinion should not be construed as implying that the Secretary of State agrees with the information or comments provided by the applicant in their request for an opinion from the Secretary of State. In particular, comments from the Secretary of State in this Opinion are without prejudice to any decision taken by the Secretary of State (on submission of the application) that any development identified by the applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) a plan sufficient to identify the land;*
  - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment;*  
*and*
  - (c) such other information or representations as the person making the request may wish to provide or make.*
- (EIA Regulation 8 (3))*
- 1.9 The Secretary of State considers that this has been provided in the applicant's Scoping Report.

### **The Secretary of State's Consultation**

- 1.10 The Secretary of State has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 1. The applicant should note that whilst the Secretary of State's list can inform their consultation, it should not be relied upon for that purpose.
- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with copies of their comments, to which the applicant should refer in undertaking the EIA.

- 1.12 The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the applicant and will be made available on the Planning Inspectorate's website. The applicant should also give due consideration to those comments in carrying out the EIA.

### **Structure of the Document**

- 1.14 This Opinion is structured as follows:

**Section 1** – Introduction

**Section 2** – The proposed development

**Section 3** – EIA approach and topic areas

**Section 4** – Other information

- 1.15 This Opinion is accompanied by the following Appendices:

**Appendix 1** – List of bodies formally consulted

**Appendix 2** – Respondents to consultation and copies of replies

**Appendix 3** – Presentation of the environmental statement



## 2. THE PROPOSED DEVELOPMENT

### Introduction

- 2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/resources.

### The Applicant's Information

#### Overview of the proposed development

- 2.2 The development involves the delivery of a new passenger train service between Portishead, Pill and Bristol Temple Meads. This includes the reinstatement of the existing 5km of disused railway track and signalling assets between Portishead and Pill (the Portishead Branch Line), a new station at Portishead and a refurbished platform in Pill as well as other associated works.
- 2.3 The following other works are required to deliver the proposed service but will be delivered using the permitted development rights of Network Rail and will not form part of the DCO application:
- Installation of a second track along the Portbury Freight Line between Clifton No. 1 Tunnel and Ashton Gate;
  - Partial reinstatement of the Bedminster Down Relief Line;
  - Additional signals near Avonmouth/Severn Beach; and
  - A turnback facility for trains at Bathampton.
- 2.4 The development forms part of a wider MetroWest programme being promoted by the West of England Local Enterprise Partnership (LEP). This is a series of projects aimed at increasing the capacity and accessibility of the local rail network.

#### Description of the site and surrounding area

##### *The Application Site*

- 2.5 The components of the project to be included within the DCO comprise the disused railway corridor and the associated existing infrastructure between Portishead and Pill. This excludes a section of the line between Parson Street Junction and Pill/Portbury Dock that was re-opened in 2002 for rail freight use only.

- 2.6 The disused railway land is partly overgrown, although some minor vegetation clearance has been undertaken to enable topographical surveys and inspection of engineering structures. Some of the track-bed is degraded and/or contaminated and is in need of complete renewal, although some of the existing ballast may be reusable as engineering fill. Some of the metal components such as the track clips and bull head rail also have the potential to be recycled.
- 2.7 Preliminary ecological surveys have identified records of, or the potential for, various protected and notable species to be present within the site. These include bats, amphibians (including great crested newt), water vole, reptiles, dormice, breeding birds, badgers, slow worms and invertebrates. There is also evidence of invasive species of vegetation.
- 2.8 Other features that fall within or partially within the site boundary include:
- Locally designated sites for nature conservation interest;
  - Areas of flood risk;
  - Air Quality Management Areas (AQMAs);
  - Registered Historic Park and Garden;
  - National Character Area and areas designated locally for their landscape value;
  - Public Rights of Way (PRoW) and National Cycle Routes;
  - Motorway, road and rail crossings;
  - Livestock crossings;
  - A major oil pipeline serving Portbury Dock;
  - Ponds, land drains/culverts and watercourses;
  - Railway verge comprising a mix of hedgerow, trees and grass embankment;
  - The existing platform at the disused Pill railway station and an adjacent goods yard.
- 2.9 The baseline conditions of the land where the 'permitted development' works are described in detail in Appendix B of the Baseline Report. In summary:
- Portbury Freight Line: a predominantly single track operational railway (freight use only) along the southern and western bank of the River Avon. The line passes through four tunnels on its route through the Avon Gorge (parts of which are designated a Special Area of Conservation and Site of Special Scientific Interest) and the Leigh Woods National Nature Reserve. According to Network Rail, the tunnels are generally in good condition but require some minor works such as re-pointing.

- Bedminster Down Relief Line: a 1km section of disused railway near Bedminster station in Bristol and which is adjacent to the existing Bristol to Taunton main line.
- Severn Beach/Avonmouth signalling: part of the existing Severn Beach line.
- Bathampton turnback: land adjacent to an existing main line.

*The Surrounding Area*

- 2.10 The area surrounding the proposed route is varied. It is urban fringe in character in Portishead, before becoming flat and pastoral around Sheepway until the route goes under the M5. The area around Portbury is predominantly industrial in character, whilst Pill is an historic village.
- 2.11 To the east of Pill the route passes through farmland and grassland, then through the wooded Avon Gorge. The route then continues through the urban areas of Ashton Gate and Ashton Vale before joining the main line at Parson Street junction where the area is primarily dense urban residential, although there are also some industrial and commercial uses near the route.
- 2.12 Designated sites near the site include:
- Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites;
  - Sites of Special Scientific Interest (SSSI);
  - National Nature Reserve (NNR);
  - Locally designated sites for nature conservation interest;
  - Conservation Areas, Scheduled Monuments and listed buildings;
  - Registered Historic Park and Garden;
- 2.13 Other features near the site include:
- Ponds, drains and watercourses;
  - Principal and secondary aquifers;
  - Areas of flood risk;
  - Residential, employment, education/community and agricultural land uses; and
  - The M5 motorway and the wider road/rail network.
- 2.14 The designated sites and other features in the area surrounding the 'permitted development land are described in detail in the Baseline Report submitted with the Scoping Request. These are similar to those described above.

## **Alternatives**

2.15 Section 3-1 of the Scoping Report describes the main options for the proposed development that have been or will be considered. It explains that as the proposals will re-use the existing railway alignment the consideration of options is limited to the following:

- The location of the proposed railway station in Portishead
- A footbridge proposed in order to maintain access to Trinity Primary School which is adjacent to the site.

## **Description of the proposed development**

2.16 The various components of the MetroWest (Phase 1) project are described below.

*Portishead Branch Line (to be included within the DCO site boundary)*

2.17 The components of the development include:

- Replacement of the existing 5km of disused railway track and signalling assets between Portishead and Pill with new railway track and signalling assets, rebuilding the disused Portishead to Pill line (5km).
- Closure of historic and permissive crossings and, where appropriate, provision of alternative access arrangements.
- Subject to consultation, a fully accessible pedestrian bridge near Trinity Primary School.
- New station at Portishead including station building, car park (for up to 200 cars, on two sites), pedestrian and cycle link to the town centre and highway alterations to Quays Avenue/Harbour Road/Phoenix Way. The platform is to be approximately 100 metres which is sufficient to accommodate a four car train.
- Re-opening of the former station at Pill and new fully accessible pedestrian bridge and car park.
- Double track works through installation of a new track parallel to the existing railway through Pill (including widening of the Avon Road bridge underpass).
- Improvements to access for emergency and maintenance purposes highway access to Pill Tunnel and other locations.

2.18 The railway line will be predominantly along the existing horizontal and vertical alignment of the dis-used track, although some alterations to the vertical or horizontal alignments and/or width of the line will be necessary in places.

2.19 Allowance will be included in the design to allow for future overhead line electrification (OHLE). For example, there will be some minor,

localised lowering of the existing vertical alignment of about 300 mm under existing bridges to provide sufficient headroom for future OHLE. The new structures, namely the footbridge and farm accommodation bridge will also include headroom for future proofing for OHLE.

- 2.20 Some minor works will be included in the DCO application if Natural England considers that the works would have a significant effect on the SAC. The justification for this is described in Paragraphs 1.2.9 – 1.2.11 of the Scoping Report. The works would otherwise be delivered using the permitted development rights of Network Rail.
- 2.21 Most of the project will be constructed on land already owned by North Somerset Council and Network Rail. The Council intends to pass over ownership of the land and railway assets to Network Rail on completion of the project.

*Works to be delivered using permitted development rights*

- 2.22 The works include:
- Portbury Freight Line
    - Installation of a new section of track parallel to the existing railway from Bower Ashton to Ashton Gate to link in with the existing double track to Parson Street Junction. This section of double tracking is required to allow the freight and passenger services to pass each other.
    - Upgrade works to Parson Street Junction to provide a double track connection with the Bristol to Taunton main line. This double tracking is required to provide sufficient capacity for both freight and passenger services.
    - Installation of an intermediate signal in the Avon Gorge, minor track and access improvements for maintenance purposes.
  - Bedminster Down Relief Line
    - Rebuilding of approximately 1km of disused railway;
    - Reinstatement of a crossover and associated signalling.
  - Severn Beach / Avonmouth
    - An additional signal approaching Severn Beach and/or Avonmouth stations to allow for additional trains to reverse.
  - Bathampton Turnback
    - A track crossover and signalling to allow trains to turn around.
- 2.23 The locations of these 'permitted development' works are shown on Figure 1.4 of the Scoping Report.

### **Proposed access**

- 2.24 As described above, changes to the highway network are proposed to facilitate access to the new service by road users and pedestrians. New access points for emergency vehicles or for health and safety purposes are also proposed.

### **Construction**

- 2.25 The current programme assumes that construction would commence in early 2018 with the Project opening in May 2019. The key construction activities are summarised below.

- Vegetation removal and other site clearance works
- Removal/reuse or recycling of existing rails and sleepers along the disused sections of track, as appropriate.
- Break-up and re-use (where possible) of existing ballast and sub-base (and possibly spoil)
- Other earthworks
- Replacement and/or repair of culverts along the disused alignment.
- Minor works on existing road bridges, tunnels and drainage infrastructure
- Construction of footbridges and other structures
- Traffic management, including partial or full road closures.

- 2.26 New sub-base and ballast will be delivered to site, using the railway corridor as far as possible, with new sleepers and rails laid on top. A cabling trough will be required alongside the track formation to house cabling for the signalling system. Signals and signal panel boxes will be installed at various locations along the track formation.

- 2.27 While much of the construction footprint will be along the existing railway corridor, additional land may be needed for offices and storage of materials.

- 2.28 The contract for the construction of the works would be awarded to one or more construction companies, depending on how the tendering process is procured.

### **Operation and maintenance**

- 2.29 All the railway infrastructure and associated land currently in the ownership of North Somerset Council will be handed over to Network Rail who will take on the responsibility for asset management and maintenance. The service will be run by a train operator and the Council are currently in discussions with the incumbent operator First Great Western and the Department for Transport regarding this.

- 2.30 The likely operational hours for the new passenger service are:
- Monday to Saturday: 0600 to 2400, with trains expected at half-hourly intervals between 0600 and 1800, then hourly until 2400.
  - Sundays: 0900 to 1800, at hourly intervals.
- 2.31 The speed of trains on the line would vary between 25 and 75 mph.

### **Decommissioning**

- 2.32 Paragraph 1.3.9 of the Report explains that the project is likely to stay in operation for as long as there is a business case and the proposed infrastructure will have a long term design life. If the service is no longer viable, the services will cease and the existing infrastructure will remain in place. Vegetation will slowly recolonize the railway alignment between Portishead and Pill, much as at present, and the structures would gradually fall into disrepair. The Report explains therefore that proactive decommissioning of the assets is unlikely to occur and therefore further consideration of potential decommissioning impacts is not considered to be meaningful.

## **The Secretary of State's Comments**

### **Description of the application site and surrounding area**

- 2.33 The Secretary of State requests that the ES should include a section that describes the characteristics of the site and surroundings. This should provide the context for the proposed development and identify any relevant designations and sensitive receptors that could be affected by the proposed development as well as any associated auxiliary facilities, landscaping areas, and potential off-site mitigation schemes.
- 2.34 The Secretary of State notes that some components of the proposed development are proposed to be delivered using the permitted development rights of Network Rail, rather than through a DCO. The ES should clearly describe the characteristics of the site/surroundings for all components of the project, to ensure the potential environmental impacts of the project as a whole are considered. It would nevertheless be helpful if the description could include separate sections which describe the characteristics for each component:
- Portbury Freight Line;
  - Bedminster Down Relief Line;
  - Bathampton; and
  - Severn Beach / Avonmouth.

- 2.35 More detailed information on the environmental baseline conditions used in the assessment should be described in the individual technical assessment chapters (as relevant).
- 2.36 The Secretary of State welcomes the use of figures in the Scoping Report to support the description of the application site and surrounding area. For the avoidance of doubt, the following approach is recommended:
- A single red line plan should be provided to illustrate all land affected by the proposed works, including all temporary works, such as construction compounds, access roads and storage areas;
  - All figures should be provided at a high resolution and be clear and legible, including the base map. Should any files be excessively large it may be appropriate to also submit lower resolution versions to facilitate easier downloading from the Planning Portal website.
  - All features on figures should be clearly labelled, identifying not only the location of certain designations, but also the specific name (e.g. 'Severn Estuary SAC').
- 2.37 The study area for the applicant's ES should extend to consideration of likely transport routes and waste disposal sites, once this information becomes available. Specific comments in relation to study areas are highlighted within the Secretary of State's comments on topic areas below.
- 2.38 Paragraph numbering should be used throughout the ES for ease of cross referencing. Figure numbers should also be simplified for ease of cross referencing.

### **Description of the proposed development**

- 2.39 The Secretary of State welcomes the amount of detail provided on the likely characteristics of the proposed development, whether it is being delivered through the DCO or as permitted development. The Secretary of State encourages applicants to ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. The consultation response from Natural England also sets out the need for detailed information on the works being delivered through permitted development rights. This is to determine the potential impacts on the Avon Gorge Woodlands SAC/SSSI, the adequacy of proposed mitigation measures (e.g. security fencing) and whether the works can be classified as permitted development.
- 2.40 The likely characteristics of some elements of the project may be less certain than others at this stage in the project lifecycle. The applicant should be aware that the description of the development in the ES



must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should be more certainty by the time the ES is submitted with the application.

- 2.41 The ES should clearly describe which components of the development are to be delivered through the DCO and which are 'permitted development'.
- 2.42 If a draft DCO is to be submitted, the applicant should clearly define what elements of the proposed development are integral to the NSIP and which is 'associated development' under the Planning Act 2008 (PA 2008) or is an ancillary matter. Associated development is defined in the Planning Act as development which is associated with the principal development. Guidance on associated development can be found in the DCLG publication 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects'.
- 2.43 Any proposed works and/or infrastructure required as associated development, or being delivered through permitted development rights, (whether on or off-site) should be assessed as part of an integrated approach to environmental assessment.
- 2.44 The Secretary of State recommends that the ES should include a clear description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include:
- Land use requirements;
  - Site preparation;
  - Construction processes and methods;
  - Transport routes;
  - Operational requirements including the nature and quantity of materials used, as well as waste arising's and its disposal;
  - Hours of operation and the proposed operational timetable;
  - The types of trains that would operate on the line and their associated emissions (e.g. noise, vibration, air);
  - The estimated number of passengers that would use the new service;
  - Drainage;
  - Maintenance activities including any potential environmental impacts; and
  - The types of works/machinery that would likely be involved during decommissioning.
- 2.45 The Scoping Report refers to proposed alterations to bridges and other structures. The ES should contain further details of these changes (e.g. in terms of type, size, scale, permanence) and should

reference relevant technical drawings (upon which the assessment is based) where appropriate.

- 2.46 The Secretary of State notes that allowance will be included in the design to allow for future overhead line electrification (OHLE). The potential impacts of these works should be described and assessed in the ES.
- 2.47 The Scoping Report indicates that parts of the proposal would be located on agricultural land. The ES should describe the amount and classification of agricultural land which would be lost as a result of the proposed development. The relationship between this land and its associated agricultural unit should also be described (to determine the potential for severance impacts).
- 2.48 The Scoping Report states that material from the existing railway infrastructure, such as ballast and spoil, may be re-used for construction of the project. The ES should clearly describe how the potential for the re-use of this material would be determined (e.g. through on site testing) and how the re-use of the material would be undertaken. The suitability of the material for re-use should be considered having regard to potential contamination in particular.
- 2.49 The Secretary of State notes that various earthworks are proposed during the construction phase. The ES should clearly describe these works (with reference to relevant application drawings). This should include the extent of land, the type of plant/machinery and the type and volume of material involved. The ES should explain how the expected volume of material has been predicted based on the changes that are proposed. This should include a table which clearly describes the cut and fill balance of material that is predicted. It should also be clear how requirements in the DCO will ensure that the characteristics of the works and the volume of excavated material will be within the parameters described and assessed in the ES.
- 2.50 The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified.
- 2.51 The Secretary of State notes that the Scoping Report does not comment on whether there is a need for a telecommunications system to operate the new passenger service. Should such a system be proposed for this project the Secretary of State would expect its likely characteristics to be described in the ES.
- 2.52 Paragraphs 1.1.13 – 1.1.19 of the Scoping Report explain that the proposed development forms part of a wider programme of projects aimed at delivering improvements through an enhanced local rail offer for the sub-region. The ES should describe how the project

relates to this wider programme, for example in terms of their likely construction and operational phases and how they have been used to inform the design of the proposed development (e.g. expected passenger numbers, timetabling and the capacity of the line).

### **Flexibility**

- 2.53 Paragraph 2.1.3 of the Scoping Report states that the DCO elements of the project should be finalised by the time the application is submitted. The Secretary of State welcomes the proposals for the ES to consider those elements which cannot be fully detailed and for which flexibility would be sought in the DCO. The Secretary of State also welcomes the reference made to Planning Inspectorate Advice Note 9 'Using the 'Rochdale Envelope' but directs attention to the 'Flexibility' section in Appendix 3 of this Opinion which provides additional details on the recommended approach.
- 2.54 It should be noted that if the proposed development changes substantially during the EIA process, prior to application submission, the applicant may wish to consider the need to request a new scoping opinion.

### **Proposed access**

- 2.55 All access points under consideration for construction and operational phases of the proposal should be detailed in the ES.
- 2.56 The ES should detail the impacts of each option considered, including the worst-case impacts. The ES should also describe the likely type, nature and extent of any other works necessary to construct the access (e.g. demolition works, widening, road closures, footpath/pipeline diversions and tree felling).

### **Alternatives**

- 2.57 The Secretary of State notes and welcomes the reviews of alternative options included in Section 3 of the Scoping Report. The EIA Regulations require that the applicant provide in the ES 'An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects' (see Appendix 3 for further details on the recommended approach).

### **Construction**

- 2.58 The number of full time equivalent construction jobs expected to be generated by the proposal is not included in the Scoping Report. The Secretary of State requests that this figure, along with an explanation of how it was calculated, is provided in the ES.
- 2.59 The size and location of construction compounds is not clarified in the Scoping Report. Whilst it is appreciated that this information may not

be available at this stage in the evolution of the project, applicants are reminded that this information will be required and should be assessed within the ES.

- 2.60 The Secretary of State considers that information on construction including: phasing of programme; construction methods and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/requirements; and number of movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES.

### **Operation and maintenance**

- 2.61 Information on the operation and maintenance of the proposed development should be included in the ES and should cover but not be limited to such matters as: the number of full/part-time jobs; the operational hours and if appropriate, shift patterns; the number and types of vehicle movements generated during the operational stage. The applicant should also confirm whether use of the line for operational rail freight will increase.
- 2.62 The applicant's assessment should outline the measures considered to ensure ease of disassembly and reuse/recycling of materials during future maintenance works.

### **Decommissioning**

- 2.63 The Secretary of State notes that the decommissioning of the development will not be considered in the EIA on the basis that it is unlikely to occur. A high-level environmental assessment of the decommissioning phase (including consideration of potential options) should be included within the ES however. This is necessary to ensure that (should they occur) decommissioning works are taken into account in the design and use of materials, such that structures can be taken down with the minimum of disruption. The National Networks National Policy Statement (Paragraph 5.85) also specifically requires the applicant to describe the aspects of the development which may give rise to emissions during decommissioning.

### **3. EIA APPROACH AND TOPIC AREAS**

#### **Introduction**

- 3.1 This section contains the Secretary of State's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 3 of this Opinion and should be read in conjunction with this Section.

#### **EU Directive 2014/52/EU**

- 3.2 The Secretary of State draws the applicant's attention to EU Directive 2014/52/EU (amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment) which was made in April 2014.
- 3.3 Under the terms of the 2014/52/EU Directive, Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the directive by 16 May 2017.
- 3.4 Whilst transitional provisions will apply to such new regulations, the applicant is advised to consider the effect of the implementation of the revised Directive in terms of the production and content of the ES.

#### **National Policy Statements (NPS)**

- 3.5 Sector specific NPSs are produced by the relevant Government Departments and set out national policy for nationally significant infrastructure projects (NSIPs). They provide the framework within which the Examining Authority will make their recommendations to the Secretary of State and include the Government's objectives for the development of NSIPs.
- 3.6 The National Policy Statement for National Road and Rail Networks was designated in January 2015 and establishes assessment principles to be followed. When undertaking the EIA, the applicant must have regard to the NPS and identify how these principles have been accounted for in the ES. Other relevant national and local planning policy documents should also be taken into account.
- 3.7 The Secretary of State must have regard to any matter that the Secretary of State thinks is important and relevant to the Secretary of State's decision.

#### **Environmental Statement Approach**

- 3.8 The ES should not be a series of separate reports collated into one document, but rather a comprehensive assessment drawing together

the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development. Attention is drawn to Appendix 3 of this Opinion which describes the recommended approach to the presentation of the ES.

- 3.9 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the Secretary of State notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the Secretary of State or the consultees.
- 3.10 The Secretary of State would suggest that the applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The Secretary of State notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors.
- 3.11 The Secretary of State welcomes the consultation undertaken with relevant consultees on the scope of the assessment. This should continue and should cover the scope of the following:
- The physical extent of the study areas;
  - The need and type of surveys/investigations required to determine the assessment baseline;
  - The potential impacts and the receptors that could be affected;
  - The assessment methodology, in terms of predicting/defining the impacts and evaluating the significance of the likely effects;
  - The need and characteristics of the measures required to mitigate potentially significant adverse effects and their likely effectiveness.
- 3.12 Where it has not been possible to agree an element of the scope this should be stated clearly and justified in the ES.
- 3.13 The Secretary of State recommends that the scope of the assessment should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The description should cover the extent of the study areas, the potential impacts and the period over which impacts have been predicted and assessed. The scope should be on the basis of recognised professional guidance, whenever such guidance is available. The ES should describe and justify any departures from such guidance or where guidance is not available.

- 3.14 The Secretary of State recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:
- (a) to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts;
  - (b) to demonstrate how the assessment has taken account of this Opinion and other responses to consultation;
  - (c) to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order; and
  - (d) to cross reference with details found in the Habitat Regulations Assessment (HRA) (where one is provided) e.g. description of sites and their location, together with any mitigation or compensation measures.
- 3.15 Where reliance is placed on management plans to deliver the proposed measures the ES should include draft copies of such plans and provide a full explanation of how they will address the potentially significant adverse effects.
- 3.16 The Secretary of State notes the proposal for material from the existing railway infrastructure (e.g. ballast and spoil to be re-used for construction of the project). The amount of material that can be re-used is uncertain at present therefore the ES should identify and assess the impacts that could result depending on the amount of material that can be re-used. This should include the potential impacts during a scenario when none or a very high proportion of the material cannot be re-used.
- 3.17 The Secretary of State notes and welcomes that the ES will consider the potential cumulative effects of the proposed development. The Scoping Report describes the potential cumulative effects, however, there is no explanation on how the applicant will identify if other developments will need to be included in this assessment. The Secretary of State considers that the approach to identifying other relevant projects for the cumulative impacts assessment should be discussed and agreed with the relevant local planning authority. The assessment should consider the relationship and timing between the other projects forming part of the MetroWest programme and ensure that the assessment is based on the worst case scenario for potential effects.
- 3.18 Appendix 3 of this Scoping Opinion provides further information on the recommended approach to assessing cumulative impacts.

- 3.19 Paragraph 1.3.9 of the Scoping Report explains that the ES will not consider the impacts of decommissioning on the basis that such work are unlikely to occur. The new passenger service would stay in operation as long as there is a business case and should it prove to not be viable then services would cease and the existing infrastructure would remain in place. The Secretary of State agrees that the impacts of decommissioning do not need to be assessed but notes that the NPS requires the ES to describe the aspects of the development which may give rise to emissions during decommissioning.

## **Environmental Statement Structure**

- 3.20 Section 16 of the Scoping Report sets out the proposed structure of the ES and notes that it is anticipated that the ES will be produced in four volumes:

- Volume 1: Non-Technical Summary;
- Volume 2: The Main Report;
- Volume 3: A book of figures; and
- Volume 4: Supporting technical appendices.

- 3.21 The Secretary of State notes that the EIA would cover a number of assessments under the broad headings of:

- Chapter 1: Introduction
- Chapter 2: Description of the study area
- Chapter 3: Description of the project
- Chapter 4: Alternatives
- Chapter 5: Approach to the environmental assessment
- Chapter 6: Planning framework
- Chapter 7: Air quality
- Chapter 8: Carbon
- Chapter 9: Cultural heritage
- Chapter 10: Ecology and biodiversity
- Chapter 11: Geology, hydrogeology, ground conditions and contaminated land
- Chapter 12: Landscape and visual impact
- Chapter 13: Materials and waste
- Chapter 14: Noise and vibration
- Chapter 15: Socio-economics and economic regeneration
- Chapter 16: Soils and agriculture



- Chapter 17: Transport, access and non-motorised users
  - Chapter 18: Water resources, drainage and flood risk
  - Chapter 19: Cumulative impact assessment
  - Chapter 20: Outline environmental management plan
  - Chapter 21: Conclusions
- 3.22 Chapters 7 to 18 above (referred to in this Opinion as the ‘technical assessment chapters’) would be subdivided as follows:
- Introduction
  - Study area
  - Legal and planning framework
  - Approach to the assessment
  - Baseline conditions
  - Impact assessment and significance of effects
  - Outline mitigation measures
  - Residual impacts
  - Difficulties encountered in compiling the ES
  - Summary
- 3.23 To avoid unnecessary duplication the legal and planning framework sections of each ES chapter should be limited to information that is relevant to the special assessment topic under consideration.
- 3.24 The Secretary of State notes that the Scoping Report does not comment on whether there is a need for a telecommunications system to operate the new passenger service. Should such a system be proposed the Secretary of State would expect its potential impacts to be described and assessed in the ES.

### **Matters to be Scoped in/out**

- 3.25 The applicant has identified in the Scoping Report certain matters which are proposed to be ‘scoped out’ of the assessment of potential impacts. A summary of these is provided below.

#### *Air Quality*

- Emissions from diesel locomotives, should further investigations demonstrate the expectation that the emissions will not be significant.

#### *Geology, Hydrogeology, Ground Conditions, and Contaminated Land*

- Operational impacts.

*Materials and Waste*

- The use of material resources and the generation of waste during operation.

*Soils, Agriculture, Land Use and Assets*

- The risk of animals straying onto the line.
- Impact on new severance on farm operations, if an agreement on mitigation is reached between North Somerset Council ("NSC") and affected farmers.
- Operational impacts on farmland and the viability of farm units

*Water Resources, Drainage and Flood Risk*

- Water quality changes on the River Avon.

3.26 The cumulative impacts with of the construction of the Bedminster Down Relief Line, Severn Beach / Avonmouth Signalling, and Bathampton Turnback and the operation of additional services to be provided under MetroWest Phase 1 are also proposed to be excluded from the following assessment chapters of the ES:

- Cultural Heritage;
- Ecology and Biodiversity;
- Geology, Hydrogeology, Ground Conditions, and Contaminated Land;
- Landscape and Visual Impacts Assessment;
- Materials and Waste;
- Noise and Vibration; and
- Water Resources, Drainage and Flood Risk.

3.27 Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.

3.28 The Secretary of State is not in all cases satisfied that sufficient evidence has been provided in the Scoping Report to agree that the identified topics can be scoped out of the EIA. The Secretary of State does agree that the following matters can be scoped out, on the basis that potential impacts from any related works/activities are unlikely to be significant:

- Operational impacts on geology, hydrogeology, ground conditions and contaminated land.
- The use of material resources and the generation of waste during operation.

- The risk of animals straying onto the line. This is provided the measures proposed to mitigate any potential adverse impacts are described and adequately secured.

3.29 The Secretary of State considers that the Scoping Report does not provide sufficient evidence to justify scoping out the other potential effects identified. The reasons for this are as follows:

- **Air Quality: local air quality impacts of emissions from diesel locomotives**

The Scoping Report acknowledges that further investigations are required before these impacts can be scoped out of the assessment. There is also no evidence to support the case that the only receptor that meets the screening criteria for the assessment (within Defra guidance) will not be affected by the proposed development. The Scoping Report also fails to address the potential for significant cumulative air quality effects with other development.

- **Geology, Hydrogeology, Ground Conditions, and Contaminated Land: cumulative effects**

The Scoping Report identifies the potential for impacts which have not yet been fully assessed. It is therefore not possible to agree that its cumulative effects with other development would not be significant. The EIA Regulations also require that the potential cumulative effects of the project are described in the ES.

- **Soils, Agriculture, Land Use and Assets: impact on new severance on farm operations**

The Scoping Report notes that there is still a need to agree the necessary mitigation with affected farmers before this impact can be scoped out. Given the uncertainty regarding the need and/or characteristics/effectiveness of the mitigation the Secretary of State cannot agree that the potential effects would not be significant.

- **Soils, Agriculture, Land Use and Assets: operational impacts on farmland and the viability of farm units**

The impacts on farmland and the viability of farm units will depend on the adequacy of any required mitigation measures which have not yet been agreed with affected farmers.

- **Water Resources, Drainage and Flood Risk: water quality changes on the River Avon**

The consultation response from the Environment Agency sets out particular concerns regarding the potential for new and altered track drainage to cause pollution of watercourses.

- **Cumulative impacts with the construction of the Bedminster Down Relief Line, Severn Beach / Avonmouth Signalling, and Bathampton Turnback and the operation of**

**additional services to be provided under MetroWest Phase 1. This applies to the following assessment chapters:**

- Cultural Heritage;
- Ecology and Biodiversity;
- Geology, Hydrogeology, Ground Conditions, and Contaminated Land;
- Landscape and Visual Impacts Assessment;
- Materials and Waste;
- Noise and Vibration;
- Water Resources, Drainage and Flood Risk

The characteristics of the works proposed for these components of MetroWest Phase 1 and their relationship with the works to be permitted by the DCO have not been sufficiently explained within the Scoping Report in order to determine no likely significant cumulative effects. On this basis the Secretary of State does not agree that the cumulative effects from these works can be scoped out of the ES.

- 3.30 Whilst the Secretary of State has not agreed to scope out certain topics or matters within the Opinion on the basis of the information available at the time, this does not prevent the applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. Decisions of this sort should be explained fully in the ES.
- 3.31 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

## **Topic Areas**

### **Air Quality and Carbon** (see Scoping Report Section 5)

- 3.32 The Secretary of State notes that impacts on air quality and carbon are to be assessed under separate chapters in the ES. Given the close relationship between the two topic areas the Secretary of State considers that they are capable of being considered within a single chapter.
- 3.33 Parts of the site fall within or near designated Air Quality Management Areas (AQMA). Any potential change to air quality should be assessed in relation to compliance with European air quality limit values and AQMA objectives.

- 3.34 The Secretary of State considers that the site lies within a sensitive area that includes national and European-designated wildlife sites. The impact on these areas should be carefully assessed. There is also the need to consider potential related effects due to an increase in airborne pollution including fugitive dust during site preparation, construction and operation. Section 4 of this Opinion provides specific advice on considering and assessing impacts on designated sites and protected species.
- 3.35 The assessment should address potential impacts from increases in airborne pollution including fugitive dust during site preparation and construction, from construction and operational traffic as well as emissions from the diesel trains. The potential for a reduction in emissions should Over Head Line Electrification (OHLE) be delivered in the future should be described.
- 3.36 The impact of emissions both on and off site should be assessed, including along access roads, local footpaths and other PRoW. The methods and parameters used to model emissions should be clearly explained and justified.
- 3.37 The Secretary of State notes that the characteristics of the trains that would operate on the line has not yet been finalised, nor has the detailed timetable for their operation. Should this be the case (or there is any uncertainty on potential emissions) at the time of submission the Secretary of State recommends that the assessment modelling should consider a range of scenarios, including the potential worst case.
- 3.38 The assessment methodology should be up to date in order to provide a robust assessment within the ES. The methodology used should be explained and justified in the ES. The Scoping Report explains that the significance of impacts will be assessed against the 2010 version of the EPUK guidance document. The consultation response from Bristol City Council notes that a revised version of this was published in May 2015.
- 3.39 The need for appropriate mitigation and monitoring measures should also be considered and to this end the Secretary of State encourages the applicant to agree these with relevant consultees.

**Cultural Heritage** (see Scoping Report Section 6)

- 3.40 The proposed development passes through Leigh Court Registered Park and Garden (in tunnel) and is also in proximity to a range of other historic assets. The impacts of the project on these assets and their settings should be carefully considered and assessed. The assessment should consider the physical impacts on the line and other historic assets but also the impacts of the operational train service (e.g. in respect of changes in noise, vibration and other impacts which could affect the assets or their settings).

- 3.41 Attention is drawn to the consultation response from Historic England regarding the need for a detailed assessment of potential impacts on specific heritage assets (see Appendix 2).
- 3.42 The applicant should engage closely with the heritage officers at Bristol and North Somerset Councils together with English Heritage and other relevant consultees. This engagement should seek to agree the assessment methodology, including the assets and viewpoints to be assessed and how potential adverse effects can be minimised or avoided (e.g. through design/siting changes and/or mitigation measures). The scope of the proposed survey data to determine the assessment baseline should also be discussed and agreed with these bodies.
- 3.43 Copies of draft management plans to be implemented post consent to mitigate potentially significant adverse effects should be appended to the ES.
- 3.44 Cross reference should be made to the Landscape and Visual section of the ES as appropriate.

**Ecology and Biodiversity** (see Scoping Report Section 7)

- 3.45 The site is within or near to various sensitive ecological receptors that could be affected by the project, including internationally, nationally and locally designated sites. There are also local records identifying protected species and habitat which is or may be suitable for other types of wildlife in the vicinity of the proposed development. The potential for impacts to occur (e.g. loss/disturbance/displacement/fragmentation) on these receptors should therefore be carefully assessed.
- 3.46 The applicant should agree the assessment methodology with Natural England and other relevant consultees. This should cover the ecological receptors which should be the focus of the assessment and the types/characteristics of the surveys required to establish the baseline. Attention is drawn to the consultation responses from Natural England and the Environment Agency in this regard (see Appendix 2 of this Opinion).
- 3.47 The design and likely effectiveness of any necessary mitigation measures should be agreed with Natural England.
- 3.48 The Secretary of State notes that the existing rail route may have a significant role as part of a wider ecological network of routes which link various habitats and species. The proposed assessment of potential impacts on this network is therefore welcomed.
- 3.49 Given the presence of various European sites within or near to the site the applicant will need to consider and address requirements in respect of the Habitats Regulations Assessment (HRA). The Secretary

of State therefore notes and welcomes that the ecological studies for the EIA will be conducted in parallel with the HRA and studies to inform an appropriate assessment. Section 4 of this Opinion provides more detail regarding the information requirements for HRA. The consultation response from Natural England (see Appendix 2) also identifies the assessment requirements regarding potential impacts on greater and lesser horseshoe bats (both as part of the HRA and EIA).

- 3.50 The Scoping Report indicates the need to remove trees as part of the development. There is no reference however to any arboriculture surveys to help identify and assess the potential impacts upon trees. The methodology for the surveys and assessment should be agreed with the relevant local tree officer and the results of these should be included in the ES. It should also be made clear whether any of the trees that could be affected by the project are subject to any Tree Preservation Orders.
- 3.51 The Secretary of State notes the presence of invasive species within and adjacent to the site. The assessment should therefore address the potential (particularly during construction) for these species to colonise in other areas (e.g. due to the proposed reuse of material from the track bed) and the implications this might have for ecological habitats and species within these areas.
- 3.52 Given the type and scale of the proposed development the Secretary of State notes the potential need for piling techniques to be required during construction. The potential for ecological receptors to be disturbed (e.g. from noise/vibration) during these works should be assessed.
- 3.53 The assessment should take account of the inter-relationships between impacts on noise, vibration, air quality (including dust), soil quality and water quality on ecological receptors. Appropriate cross reference should be made to these topic chapters when considering the magnitude and significance of potential effects.

**Geology, Hydrogeology, Ground Conditions, and Contaminated Land** (see Scoping Report Section 8)

- 3.54 Paragraph 8.5.2 of the Scoping Report states that the study area comprises the footprint of the Project as defined by the red line boundary. The reasons for this are not provided. The Secretary of State considers that the likely impacts may affect receptors beyond the site boundary, for example through the mobilisation of contaminants which could then enter watercourses, or construction works affecting the underlying geology or hydrogeology of land surrounding the site. The ES should explain in detail and justify the extent of the study area used for the assessment, ensuring that potential impacts are considered over a sufficiently wide area.

- 3.55 Table 8.1 of the Scoping Report identifies the proposed construction and operation activities which could have impacts on geology, hydrogeology, ground conditions and contaminated land. These are:
- Removal and replacement of ballast along the railway.
  - Foundations and earthworks at Portishead Station.
  - Leakages of oils, diesel and wastewater.
- 3.56 Paragraphs 8.5.3 to 8.5.8 of the Scoping Report describe other potential activities, together with the reasons why they are not expected to result in any impacts:
- Construction of the new railway along the disused corridor.
  - Construction of the station at Portishead.
  - Renovation of the station at Pill.
- 3.57 No evidence is provided to justify why these activities would have no impact. The Secretary of State considers that the scale, nature and location of the activities and the characteristics of the baseline environment indicate the potential for significant effects which should be properly assessed. The ES should describe the surveys/investigations undertaken to inform the assessment and these should be used to support the assessment conclusions.
- 3.58 Attention is drawn to the consultation response from the Coal Authority (see Appendix 2 of this Opinion) in respect of the components of the development which are within the defined coalfield. The potential impacts on ground conditions and the stability of the land in this area should therefore be considered as part of the assessment. The assessment should also address the concerns of the Environment Agency regarding the potential for changes in silt to cause pollution of watercourses.
- 3.59 The Secretary of State notes that the proposed development includes widening of the Avon Road bridge underpass. The Scoping Report does not address the potential impacts of these works on geology, hydrogeology, ground conditions, or contaminated land. These potential impacts should be considered as part of the EIA and the method used and conclusions reached should be described in the ES. The assessment should consider the potential for any proposed piling works to disturb underlying geology. Where piling works are proposed close to existing structures (e.g. buildings or bridges) the ES should assess whether these might be affected by changes in the stability of the land.
- 3.60 The Secretary of State notes the potential for significant effects from the proposed re-use of ballast/spoil material, as this may be contaminated. The ES should describe the methods used to identify the type, magnitude and extent of contaminants present and should



present the results of this work. The measures proposed to remediate or address contaminants within the site should be discussed and agreed with relevant consultees (e.g. the Environment Agency) and described in the ES. The potential impacts from implementing any proposed remediation measures should also be assessed.

**Landscape and Visual Impacts Assessment** (see Scoping Report Section 9)

- 3.61 The Secretary of State requests that careful consideration should be given to the form, siting, and use of materials and colours in the design of the proposed development to help minimise the landscape and visual impacts of the development.
- 3.62 The Secretary of State considers that the potential landscape and visual impacts from the following activities should be assessed:
- Construction works including noise, movement, lighting, dust, site accesses and working areas.
  - Removal of trees, hedgerows and other vegetation.
  - Changes to existing bridges and other structures (including retaining walls and embankments) which contribute to the character and appearance of the landscape.
  - Noise and movement of trains during operation.
  - Lighting during operation.
- 3.63 The Secretary of State advises that the ES should describe the models used (for example in defining the Zone of Visual Influence (ZVI)), provide information on the area it covers and the timing/methodology of any survey work undertaken. The Secretary of State recommends that the location of viewpoints should be agreed with the local authorities and/or other relevant consultees such as Natural England. The ES should explain how comments from consultees have been taken into account.
- 3.64 The likely change in views should be described and assessed in the ES. This should be supported by suitable illustrations to describe the potential worst case impacts on relevant receptors (e.g. photomontages, wireframe views).
- 3.65 Replacement screen planting should be provided as appropriate. Where potential impacts can be avoided or minimised through changes in the location, size or design of the proposals these should be discussed and agreed with relevant consultees.
- 3.66 Cross-reference should be made to other relevant parts of the ES as appropriate (e.g. in respect of the noise that is expected to be generated by the diesel trains and other assumptions used in the assessment).

**Materials and Waste** (see Scoping Report Section 10)

- 3.67 The proposed development will involve use and production of a range of different types of materials and/or waste, principally during construction. The proposed assessment of impacts is therefore welcomed.
- 3.68 The Scoping Report explains that the assessment of construction impacts will be largely a simple, desk-based exercise and mainly qualitative, although the method will depend on the level of detail available at the time. A more detailed assessment would be undertaken where detailed information about the types and quantities of materials and waste is available (e.g. a detailed bill of quantities). The Secretary of State encourages the applicant to undertake as detailed an assessment as possible, in order to increase the certainty on the likely effects of the development.
- 3.69 The Secretary of State supports the proposed preparation of a Site Waste Management Plan (SWMP) and this should be appended to the ES. Paragraph 5.42 of the NPS also explains the information on waste management that should be included in the ES.
- 3.70 The proposed approach to assessing waste impacts should be discussed with the Environment Agency and the Council. This is to establish an appropriate methodology and evaluation criteria and ensure that all types of wastes and their effects are considered.
- 3.71 Some of the potential impacts linked to waste (e.g. on soil/air/water quality or ecology) would be covered in other chapters of the ES. The inter-relationship between the chapter on waste and these other chapters should be clearly explained in the ES and cross-referenced, as appropriate.

**Noise and Vibration** (see Scoping Report Section 11)

- 3.72 Table 11.1 of the Scoping Report identifies the proposed construction and operation activities which could have impacts on noise and vibration. The description of construction activities is quite broad:
- “Construction of the stations in Portishead and Pill, new road infrastructure and the new line between Portishead and Pill”.*
- 3.73 It is not clear whether this description covers all of the potential activities that could arise during construction of the proposed development. The Secretary of State considers that the impacts of all construction activities for the proposed development and any associated/ancillary and consequential development should be described and assessed in the ES.
- 3.74 The Secretary of State notes the potential operational impacts on noise and vibration identified in Table 11.1. The potential for noise impacts from the train wheels should also be considered in the

assessment particularly if there is potential for any wheel squeal emissions.

- 3.75 All potential noise sources from the development should be clearly described. This should include quantitative information on the type, magnitude, duration and extent of each impact.
- 3.76 The assessment methodology (including the detailed modelling required to predict the potential impacts) and the choice of receptors should be agreed with the relevant local authorities.
- 3.77 The Secretary of State has already noted the uncertainty regarding the characteristics and timetabling of the trains that would operate on the line. Should any such uncertainty remain at the time of submission the Secretary of State recommends that the noises modelling should consider a range of scenarios, including the potential worst case.
- 3.78 The assessment should take account of the traffic movements along access routes, especially during the construction phase. The results from the noise and vibration assessments will also provide information to inform the ecological assessment and there should be cross reference made between these chapters.
- 3.79 The Secretary of State notes the potential need for piling techniques to be required during construction. The potential noise and vibration effects of this activity should be assessed.
- 3.80 Measures should be provided to mitigate potential significant noise effects and evidence should be provided to explain how and why they are effective. The ES should also describe how noise and vibration impacts during construction and operation will be monitored and how the need for additional mitigation will be determined and delivered.

**Socio-economics and Economic Regeneration** (see Scoping Report Section 12)

- 3.81 The Secretary of State notes and welcomes that the potential socio-economic and regeneration impacts of the proposed development will be considered as part of the EIA.
- 3.82 The assessment methodology should be agreed with relevant consultees and fully described and justified in the ES.
- 3.83 Potential impacts (e.g. job creation, modal shift of commuter traffic) should be quantified where possible. Where a qualitative judgement is relied upon this should be supported with robust evidence, including the identified potential indirect impacts. The likely significance of potential effects should be considered in a local and regional context.

- 3.84 Paragraph 12.5.5 explains that MetroWest Phase 1 will route through the West of England sub-region and is therefore likely to have impacts in this area. The ES should clearly describe the source-pathway-receptor chain for each potential impact and the criteria used to determine significance.
- 3.85 The Report explains that MetroWest Phase 1 is part of a wider set of major transport schemes in the West of England aimed at facilitating economic growth and regeneration. A number of potential positive cumulative impacts are identified. The Secretary of State considers that these impacts should be quantified where possible.

**Soils, Agriculture, Land Use and Assets (see Scoping Report Section 13)**

- 3.86 The Secretary of State welcomes the proposed assessment of impacts on agricultural land. The ES should include a description of the amount of land that would be lost as a result of the proposed development. The assessment should consider the potential for significant effects to occur as a result of loss of this land, potential contamination of surrounding land, disturbance (e.g. from noise/vibration during construction/operation) and from other potential impacts (e.g. severance) which could make agricultural land unviable. The potential impacts arising from construction activities should be included as part of the assessment.
- 3.87 The applicant should consult with all potentially affected farm owners to determine the characteristics of potential effects on their activities and the adequacy of any measures proposed to mitigate any potential adverse effects.
- 3.88 Paragraphs 13.5.2 – 13.5.3 of the Scoping Report sets out the proposed study areas for assessing impacts on agriculture and community assets. The definition of 'community assets' has not been clearly defined. The Secretary of State considers that the study area should include all land, assets and uses that could be affected by the proposed development. The study area should also be justified in terms of the likely magnitude and extent of the potential impacts.
- 3.89 The ES should describe the utilities and other infrastructure assets within the site or which could be affected by the proposed development. This should include infrastructure that needs to be removed or diverted, upgraded or replaced. The applicant should consult with the relevant statutory undertakers and other stakeholders regarding the works necessary to address potential adverse effects and to ensure these are considered as part of the assessment. Attention is drawn to the consultation response from the Health and Safety Executive (see Appendix 2) regarding the presence of two Major Accident Hazard Pipelines which traverse the proposed development near Lodway.

- 3.90 The Scoping Report explains that a former goods yard adjacent to the disused station in Pill is proposed to be used as a car park for the new station. The existing use of this land has not been established within the Scoping Report. The ES should assess the impacts arising from the change in use of this land and any other land uses that could be affected by the proposed development.
- 3.91 The Secretary of State notes the inter-relationship between the impacts to be described in this chapter and those on ecology, the water environment and socio-economics. Appropriate cross reference should be made to the relevant topic chapters when considering the magnitude and significance of potential effects.

**Transport, Access and Non-Motorised Users (see Scoping Report Section 14)**

- 3.92 The following construction activities and their potential impacts on transport, access and non-motorised users are identified in Table 14.1 of the Scoping Report:
- Construction of stations; and
  - Line construction.
- 3.93 The Secretary of State considers that the potential impacts of the following other construction activities should also be assessed:
- Vegetation removal and other site clearance works;
  - Earthworks;
  - Construction of other components of the development, including site drainage, works to roads/bridges/tunnels, footbridges and other structures; and
  - Traffic management activities, including partial or full road closures.
- 3.94 The Secretary of State notes the intention to undertake the assessment in accordance with the Guidelines for the Environmental Assessment of Road Traffic (IEMA, 1993). The Secretary of State is aware that more recent guidance may be available and so supports the proposal for the scope of the assessment to be agreed with relevant stakeholders. This should include agreement on the methodology (including the study area and survey data required).
- 3.95 The ES should describe the baseline for the assessment of potential impacts on traffic and how this could be affected during construction and operation.
- 3.96 The proposed modes of transport and likely routes for delivering/removing materials and waste from the site should be described and assessed. Where certain routes are proposed to

minimise/avoid adverse effects the ES should explain how use of these will be achieved.

- 3.97 The potential impacts of the development on relevant components of the road network should be described and assessed. The consultation response from Highways England requests that the assessment should consider and address impacts on the strategic road network, specifically at Junction 19 of the M5 motorway. The applicant should discuss and agree the scope of this assessment with Highways England.
- 3.98 The Secretary of State notes that the proposed development will involve crossings and other works on existing infrastructure, including railway lines, roads and bridges. The increase in the number of trains during operation will also result in the increased use of level crossings on the line. The applicant is therefore encouraged to consult with Network Rail and other relevant bodies regarding any potential impacts on these assets and users, for example in terms of potential disruption or should the assets need to be redesigned or relocated (either temporarily or permanently). The methodology for any assessment required should be discussed and agreed, together with the design and likely effectiveness of any mitigation measures proposed.
- 3.99 The assumptions used to inform the assessment should be clearly described and justified based on evidence. In this context the Secretary of State notes that outputs from the Greater Bristol Area Transport Study (GBATS) and the Rail Demand Model (RDM) are to be used to inform the assessment. The Secretary of State recommends however that the applicant should consider the need for adjustments to the outputs, based on changes that may have occurred since they were published (e.g. whether/when the schemes included in the GBATS/RDM will be delivered, relative to the phasing of the proposed development, or whether other schemes should also be included in the model).
- 3.100 The assessment should consider the relationship with other potential impacts of the proposed development (e.g. on recreation, noise/vibration and air quality) and cross reference should be made to the relevant chapters of the ES.

**Water Resources, Drainage and Flood Risk (see Scoping Report Section 15)**

- 3.101 Groundwater is a potential pathway for discharge of liquids to surface and coastal waters. Given the proximity of various sensitive watercourses the Secretary of State considers that these potential effects should be assessed.

- 3.102 The assessment should address the potential for mobilisation/runoff of contaminants during construction or operation to affect nearby designated ecological sites or the public water supply.
- 3.103 The Secretary of State welcomes the provision of a Flood Risk Assessment (FRA) and the consultation with the EA to inform this. The FRA should form an appendix to the ES. Attention is therefore drawn to the comments provided by the Environment Agency in Appendix 2 and which should be addressed in the ES. This should include the means by which the concerns regarding the condition of the Portishead tidal flood defences have been resolved. The Secretary of State agrees with the Environment Agency that it is not appropriate to rely on measures being delivered by third parties when determining the potential effects of the development.
- 3.104 The ES should describe the water-related infrastructure within the site or which could be affected by the proposed development (e.g. related to the potential need to remove or divert pipelines and upgrade/replace existing drainage infrastructure). The applicant should consult with the relevant statutory undertakers regarding the works necessary to address potential adverse effects and to ensure these are considered as part of the assessment.
- 3.105 The applicant should engage with the Environment Agency and other relevant consultees to discuss and agree the scope of the assessment as the proposed development design progresses. Attention is drawn to the consultation response from the North Somerset Levels Internal Drainage Board (see Appendix 2) regarding the need for further consultation and agreement with them in respect of the design of the development and the scope of the assessment required.
- 3.106 The Secretary of State notes that the Scoping Report does not explain how the requirements of the Water Framework Directive (WFD) will be addressed. The consultation response from the Environment Agency in Appendix B of the Scoping Report identifies five water bodies which could be affected by the proposed development:
- Portbury Ditch
  - Easton in Gordano Stream
  - Markham Brook
  - Drove Rhine
  - Severn Estuary.
- 3.107 The Environment Agency expects the applicant to provide a WFD assessment illustrating the potential impacts, how these impacts could affect the water body status and to suggest appropriate avoidance/mitigation measures. The results of the assessment should

be described within the ES, however a separate WFD assessment should be included as an appendix.

- 3.108 The applicant is encouraged to review the relevant River Basin Management Plan to determine how the project can contribute to WFD objectives. The test is whether the proposed works will not cause deterioration in, or prevent the future improvement of WFD status.
- 3.109 The Secretary of State welcomes the provision of a Flood Risk Assessment (FRA). The FRA should form an appendix to the ES and should be cross referenced as applicable in support of the relevant ES chapters. The assessment should assess the impacts of flooding from and to the proposed development (including the proposed changes to the drainage system).
- 3.110 Given the inter-relationship between some of the EIA topic areas in respect of water resources (e.g. resulting from impacts on soil quality/agriculture, ecology and hydrogeology) appropriate cross reference should be made between the relevant topic chapters of the ES.
- 3.111 Mitigation measures should be adequately described and secured through the DCO. The need for and characteristics of any on-going monitoring should be discussed and agreed with the relevant authorities. Monitoring is an important method to identify the efficacy of implemented design measures and any need for additional measures.

### **Other potential environmental effects**

#### *Telecommunications*

- 3.112 The Scoping Report does not describe telecommunications for the proposed development. The Secretary of State is aware that this type of infrastructure has potential to interfere with existing telecommunications signals (e.g. associated with other transport networks, mobile phone/broadband masts and radar installations) and these impacts should therefore be assessed. If such infrastructure is proposed the applicant should discuss and agree the scope of the assessment required with relevant consultees (e.g. mobile phone operators, NATS and/or the Civil Aviation Authority).



## 4. OTHER INFORMATION

- 4.1 This section does not form part of the Secretary of State's Opinion as to the information to be provided in the environmental statement. However, it does respond to other issues that the Secretary of State has identified which may help to inform the preparation of the application for the DCO.

### Pre-application Prospectus

- 4.2 The Planning Inspectorate offers a service for applicants at the pre-application stage of the nationally significant infrastructure planning process. Details are set out in the prospectus 'Pre-application service for NSIPs'<sup>1</sup>. The prospectus explains what the Planning Inspectorate can offer during the pre-application phase and what is expected in return. The Planning Inspectorate can provide advice about the merits of a scheme in respect of national policy; can review certain draft documents; as well as advice about procedural and other planning matters. Where necessary a facilitation role can be provided. The service is optional and free of charge.
- 4.3 The level of pre-application support provided by the Planning Inspectorate will be agreed between an applicant and the Inspectorate at the beginning of the pre-application stage and will be kept under review.

### Preliminary Environmental Information

- 4.4 Consultation forms a crucial aspect of environmental impact assessment. As part of their pre-application consultation duties, applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the proposed development. The SoCC must state whether the proposed development is EIA development and if it is, how the applicant intends to publicise and consult on PEI. Further information in respect of PEI may be found in Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping.

### Habitats Regulations Assessment (HRA)

- 4.5 The Secretary of State notes that European sites are be located close to the proposed development. It is the applicant's responsibility to provide sufficient information to the Competent Authority (CA) to

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<sup>1</sup> The prospectus is available from:  
<http://infrastructure.planningportal.gov.uk/application-process/pre-application-service-for-applicants/>

enable them to carry out a HRA if required. The applicant should note that the CA is the Secretary of State.

- 4.6 The applicant's attention is drawn to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site or potential SPA which may be affected by a proposal. The submitted information should be sufficient for the competent authority to make an appropriate assessment (AA) of the implications for the site if required by Regulation 61(1) of the Habitats Regulations.
- 4.7 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the CA of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the CA.
- 4.8 When considering aspects of the environment likely to be affected by the proposed development; including flora, fauna, soil, water, air and the inter-relationship between these, consideration should be given to the designated sites in the vicinity of the proposed development.
- 4.9 Further information with regard to the HRA process is contained within Planning Inspectorate's Advice Note 10 available on the National Infrastructure pages of the Planning Portal website.

### **Plan To Agree Habitats Information**

- 4.10 A Plan may be prepared to agree upfront what information in respect of Habitats Regulations the applicant needs to supply to the Planning Inspectorate as part of a DCO application. This is termed an Evidence Plan for proposals in England or in both England and Wales, but a similar approach can be adopted for proposals only in Wales. For ease these are all termed 'evidence plans' here.
- 4.11 An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help applicants meet the requirement to provide sufficient information (as explained in Advice Note 10) in their application, so the Examining Authority can recommend to the Secretary of State whether or not to accept the application for examination and whether an appropriate assessment is required.
- 4.12 Any applicant of a proposed NSIP can request an evidence plan. A request for an evidence plan should be made at the start of pre-application (e.g. after notifying the Planning Inspectorate on an informal basis) by contacting Natural England.

## **Sites of Special Scientific Interest (SSSIs)**

- 4.13 The Secretary of State notes that a number of SSSIs are located close to or within the proposed site boundary. Where there may be potential impacts on the SSSIs, the Secretary of State has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.
- 4.14 Under s28(G), the Secretary of State has a general duty ‘... to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest’.
- 4.15 Under s28(I), the Secretary of State must notify the relevant nature conservation body (NCB), NE in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the Secretary of State must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.16 If applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the Secretary of State. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

## **European Protected Species (EPS)**

- 4.17 The consultation response from Natural England (see Appendix 2) states that it appears likely that a European Protected Species licence will be required in respect of potential impacts on bats, dormice and great crested newts.
- 4.18 Applicants should be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive. Where a potential risk to a European Protected Species (EPS) is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the applicant may wish to provide information which will assist the decision maker to meet this duty.

- 4.19 If an applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.20 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the examination if applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.21 Generally, NE are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NE consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued.
- 4.22 The applicant is responsible for ensure draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by NE. The Secretary of State notes that Natural England request that a "shadow licence" should be in place by the time the DCO application is submitted.
- 4.23 Ecological conditions on the site may change over time. It will be the applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals.
- 4.24 In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any resulting amendments to the draft licence application). This approach will help to ensure no delay in issuing the licence should the DCO

application be successful. Further information is available in Natural England's NSIP and licencing guidance note<sup>2</sup>.

- 4.25 In England or English Waters, assistance may be obtained from the Planning Inspectorate's Consents Service Unit (please see below for further information).

### **Consents Service Unit**

- 4.26 The Consents Service Unit (CSU) works with applicants on a number of key non-planning consents associated with nationally significant infrastructure projects in England and English Waters. The Unit's remit includes 12 non-planning consents, including EPS licences, environmental permits and flood defence consents. The consents covered are set out in Annex 1 of the CSU 'Prospectus for Developers'<sup>3</sup> and the service is free of charge and entirely voluntary.

### **Other Regulatory Regimes**

- 4.27 The Secretary of State recommends that the applicant should state clearly what regulatory areas are addressed in the ES and that the applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.28 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the Secretary of State will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The applicant is encouraged to make early contact with other regulators. Information from the applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the Secretary of State.

### **The Environmental Permitting Regulations and the Water Resources Act**

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<sup>2</sup> Available from:

[http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36\\_tcm6-28566.pdf](http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf)

<sup>3</sup> Available from: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/consents-service-unit/>

### **Environmental Permitting Regulations 2010**

4.29 The Environmental Permitting Regulations 2010 (EPR 10) require operators of certain facilities, which could harm the environment or human health, to obtain permits from the Environment Agency. Environmental permits can combine several activities into one permit. There are standard permits supported by 'rules' for straightforward situations and bespoke permits for complex situations. For further information, please see the Government's advice on determining the need for an environmental permit<sup>4</sup>

4.30 The Environment Agency's environmental permits cover:

- Industry regulation;
  - Waste management (waste treatment, recovery or disposal operations);
  - Discharges to surface water;
  - Groundwater activities; and
  - Radioactive substances activities.
- Characteristics of environmental permits include:
- They are granted to operators (not to land);
  - They can be revoked or varied by the Environment Agency;
  - Operators are subject to tests of competence;
  - Operators may apply to transfer environmental permits to another operator (subject to a test of competence); and
  - Conditions may be attached.

### **The Water Resources Act 1991**

4.31 Under the Water Resources Act 1991 (as amended), anyone who wishes to abstract more than 20m<sup>3</sup>/day of water from a surface source such as a river or stream or an underground source, such as an aquifer, will normally require an abstraction licence from the Environment Agency. For example, an abstraction licence may be required to abstract water for use in cooling at a power station. An impoundment licence is usually needed to impede the flow of water, such as in the creation of a reservoir or dam, or construction of a fish pass.

4.32 Abstraction licences and impoundment licences are commonly referred to as 'water resources licences'. They are required to ensure that there is no detrimental impact on existing abstractors or the environment. For further information, please see the Environment

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<sup>4</sup> Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

Agency's WR176 guidance form on applying for a full, transfer or impounding licence<sup>5</sup>:

4.33 Characteristics of water resources licences include:

- They are granted to licence holders (not to land);
- They can be revoked or varied;
- They can be transferred to another licence holder; and
- In the case of abstraction licences, they are time limited.

### **Role of the Applicant**

4.34 It is the responsibility of applicants to identify whether an environmental permit and / or water resource licence is required from the Environment Agency before an NSIP can be constructed or operated. Failure to obtain the appropriate consent(s) is an offence. The CSU as was established to aid applicants in this regard (see above).

4.35 The Environment Agency allocates a limited amount of pre-application advice for environmental permits and water resources licences free of charge. Further advice can be provided, but this will be subject to cost recovery.

4.36 The Environment Agency encourages applicants to engage with them early in relation to the requirements of the application process. Where a project is complex or novel, or requires a Habitats Risk Assessment, applicants are encouraged to "parallel track" their applications to the Environment Agency with their DCO applications to the Planning Inspectorate. Further information on the Environment Agency's role in the infrastructure planning process is available in Annex D of the Planning Inspectorate's Advice note eleven (working with public bodies in the infrastructure planning process)<sup>6</sup>.

4.37 When considering the timetable to submit their applications, applicants should bear in mind that the Environment Agency will not be in a position to provide a detailed view on the application until it issues its draft decision for public consultation (for sites of high public interest) or its final decision. Therefore the applicant should ideally submit its application sufficiently early so that the Environment Agency is at this point in the determination by the time the Development Consent Order reaches examination.

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<sup>5</sup> Available from: <https://www.gov.uk/government/publications/wr176-applying-for-full-transfer-or-impoundment-licence-form-guidance>

<sup>6</sup> Available from: <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

- 4.38 It is also in the interests of an applicant to ensure that any specific requirements arising from their permit or licence are capable of being carried out under the works permitted by the DCO. Otherwise there is a risk that requirements could conflict with the works which have been authorised by the DCO (e.g. a stack of greater height than that authorised by the DCO could be required) and render the DCO impossible to implement.

## **Health Impact Assessment**

- 4.39 The Secretary of State considers that it is a matter for the applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from the Health and Safety Executive and/or Public Health England/Public Health Wales in relation to electrical safety issues (see Appendix 2). Attention is drawn to the consultation responses from the Health and Safety Executive and Public Health England.
- 4.40 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

## **Transboundary Impacts**

- 4.41 The Secretary of State has noted that the applicant has not indicated whether the proposed development is likely to have significant impacts on another European Economic Area (EEA) State.
- 4.42 Regulation 24 of the EIA Regulations, which inter alia require the Secretary of State to publicise a DCO application if the Secretary of State is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The Secretary of State considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 4.43 The Secretary of State recommends that the ES should identify whether the proposed development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.





## APPENDIX 1 – LIST OF BODIES FORMALLY CONSULTED

Note: the Prescribed Consultees have been consulted in accordance with the Planning Inspectorate’s Advice Note 3: EIA Consultation and Notification (version 6, June 2015).

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	North Somerset Clinical Commissioning Group
	Bristol Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England South West
The Relevant Fire and Rescue Authority	Avon Fire and Rescue Service
The Relevant Police and Crime Commissioner	Avon and Somerset Police and Crime Commissioner
The Relevant Parish Council(s) or Relevant Community Council	Portbury Parish Council
	Portishead Town Council
	Pill and Easton In Gordano Parish Council
The Environment Agency	The Environment Agency Wessex Region
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Bristol City Council
	North Somerset Council
The Relevant Strategic Highways Company	Highways England – South West
The Coal Authority	The Coal Authority
The Relevant Internal Drainage Board	North Somerset Levels Internal Drainage Board

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
Public Health England, an executive agency to the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission West England
The Secretary of State for Defence	Ministry of Defence

<b>RELEVANT STATUTORY UNDERTAKERS</b>	
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	North Somerset Clinical Commissioning Group
	Bristol Clinical Commissioning Group
Local Area Team	Bristol, North Somerset, Somerset and South Gloucestershire Local Area Team
Ambulance Trusts	Great Western Ambulance
Railways	Network Rail Infrastructure Ltd
	Highways England Historical Railways Estate
Road Transport	Clifton Suspension Bridge Trust
Dock/Harbour	Bristol Harbour Authority
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Relevant Homes and Communities Agency	Homes and Communities Agency
Relevant Environment Agency	Environment Agency Wessex Region
Water and Sewage Undertakers	Bristol Water
Public Gas Transporters	Energetics Gas Limited
	ES Pipelines Ltd

<b>RELEVANT STATUTORY UNDERTAKERS</b>	
	ESP Connections Ltd
	ESP Networks
	Fulcrum Pipelines Ltd
	Independent Pipelines Ltd
	LNG Portable Pipeline Services Ltd
	National Grid Plc
	Quadrant Pipelines Ltd
	SSE Pipelines Ltd
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
Electricity Distributors With CPO Powers	Energetics Electricity Ltd
	ESP Electricity Ltd
	Independent Power Networks Ltd
	The Electricity Network Company Ltd
	Utility Assets Ltd
	Western power Distribution (South West) Plc
Electricity Transmitters With CPO Powers	National Grid Electricity Transmission Plc

<b>SECTION 42 CONSULTEES</b>	
Local Authorities	North Somerset Council
	Bristol City Council
	South Gloucestershire Council
	Bath and North East Somerset Council
	Mendip District Council
	Sedgemoor District Council
	Somerset County Council
	Monmouthshire County Council
	City of Cardiff Council



## **APPENDIX 2 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES**

List of bodies who replied by the Statutory Deadline:

Bristol City Council
Cardiff Council
Coal Authority
Environment Agency
GTC Pipelines Ltd
Health and Safety Executive
Highways England
Historic England
Natural England
North Somerset Levels Internal Drainage Board
Public Health England



**From:** Ron Moss [mailto:Ron.Moss@bristol.gov.uk]  
**Sent:** 24 July 2015 16:29  
**To:** Environmental Services  
**Subject:** FAO Will Spencer - Portishead Branch Line (Metro West Phase 1) EIA Scoping Opinion

Dear Will Spencer,

**Planning Act 2008 ( as amended ) and the Infrastructure Planning ( Environmental Impact Assessment) Regulations 2009 ( as amended) – Regulations 8 and 9  
Application for an Order Granting Development Consent for the Portishead Branch line ( MetroWest Phase 1)  
Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested.**

I attach the following comments/requests from Bristol City Council with regard to the information to be provided in the environmental statement

#### Air Quality

The proposed scope of the air quality assessment is satisfactory, however, reference is made to a superseded version of Environmental Protection UK's Development Control: Planning for Air Quality Document. The Scoping Report states that the significance of impacts will be assessed against the 2010 Version of this document. A revised version was released in May 2015 which included a revised methodology for describing the significance of impacts and it is this version that should be used.

The Scoping Report states that the definition of the study area will be determined using the Highways Agency's DMRB Criteria. When defining this study area, consideration should also be given to the criteria outlined in Table 6.2 of the EPUK and IAQM Land-Use Planning and Development Control: Planning for Air Quality (May 2015) Guidance Document. The EPUK and IAQM document takes into account the latest evidence on air quality impacts when defining the criteria at which significant air quality impacts may arise.

#### Ecology

Works within Bristol City Council's Unitary Authority's Area mostly comprise Network Rail (NR) upgrading works within their existing operational boundaries to be undertaken under Permitted Development Rights and will not form part of the DCO application. The exception to this is works along the section ending at Parson Street Junction where an extended phase 1 habitat survey has been undertaken. Ecological mitigation proposals should address legally protected species and priority species and habitats which are found.

The second set of works comprise the Severn Beach / Avonmouth signalling on the line from Avonmouth to Severn Beach. In the Baseline report, Appendix B.2 section 1.5.77 on page 2 states that the line passes within 10 metres of the railway line. *With respect to the Habitats Regulations the applicant needs to confirm to Bristol City Council as the competent authority under the regulations whether or not*



*the proposed works include percussive piling within 300 metres of the SPA and Ramsar site which have the potential to disturb qualifying interest feature birds of the Severn Estuary SPA and Ramsar site. Whilst a desk study has been undertaken, further ecological surveys will need to be undertaken as indicated in the text. Ecological mitigation proposals should address legally protected species and priority species and habitats which are found.*

The third section is the Bedminster Down Relief Line between Parson Street Junction and the Temple Meads on the south-west mainline. Whilst a desk study has been undertaken, further ecological surveys will need to be undertaken as indicated in the text. Ecological mitigation proposals should address legally protected species and priority species and habitats which are found.

I trust this information is of assistance.

Regards ,  
Ron Moss  
Area Planning Manager  
South and East  
Bristol City Council

My Ref : RC/JE/15/01663/MJR  
Your Ref : TR040011

Date : 10 July 2015



County Hall  
Cardiff,  
CF10 4UW  
Tel: (029) 2087 2087

Neuadd y Sir  
Caerdydd,  
CF10 4UW  
Ffôn: (029) 2087 2088

The Planning Inspectorate  
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2 The Square  
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14 JUL 2015

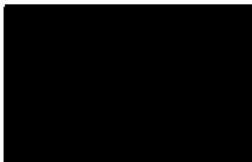
FAO Mr Will Spencer

Dear Sir

**Planning Application No. 15/01663/MJR**  
**Proposal : REQUEST FOR OBSERVATIONS - SCOPING OPINION RELATING**  
**TO DEVELOPMENT CONSENT FOR PORTISHEAD BRANCH LINE**  
**Location : PORTISHEAD BRANCH LINE**

I reply to your letter dated 26th June 2015 in respect of the above and would confirm that Cardiff Council have no comment to make regarding the scoping of the environmental impacts of this proposal.

Yours faithfully



**James Clemence**  
**HEAD OF PLANNING**

**PLEASE REPLY TO:** Development Management, Strategic Planning, Highways and Traffic & Transportation, County Hall, Cardiff, CF10 4UW (e-mail: [developmentcontrol@cardiff.gov.uk](mailto:developmentcontrol@cardiff.gov.uk)) (internet: [www.cardiff.gov.uk/dc](http://www.cardiff.gov.uk/dc))







200 Lichfield Lane  
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Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

Mr W. Spencer – EIA and Land Rights Advisor  
The Planning Inspectorate  
Major Applications and Plans

**[By Email: [environmentalservices@pins.gsi.gov.uk](mailto:environmentalservices@pins.gsi.gov.uk)]**

Your Ref: TR040011

21 July 2015

Dear Mr Spencer

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9**

**The Portishead Branch Line (MetroWest Phase 1) Development Consent Order**

Thank you for your consultation letter of 26 June 2015 seeking the views of The Coal Authority on the EIA Scoping Opinion for the above proposal.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response:

I have reviewed the proposals and can confirm that this proposed Nationally Significant Infrastructure Project would be largely located outside of the defined coalfield, including the entire route between Portishead and Pill Tunnel.

However, the proposed works at Ashton Gate Level Crossing and Barons Close Pedestrian Crossing would be located within the defined coalfield, and accordingly due consideration should be afforded to ground conditions and the potential for unstable land to be present.

Our records indicate the presence of recorded mine entries within the vicinity of the above proposed works, and the likely presence of historic unrecorded underground coal mining at shallow depth in this area.

The Coal Authority is therefore pleased to note that, whilst the EIA Scoping Report submitted indicates in Section 8 that ground conditions are proposed to be screened out of the Environmental Statement as a topic, the accompanying Baseline Report (June 2015) nevertheless indicates in Section 6.3 that further investigation of ground conditions will be undertaken. Although section 6.2.4 of that report indicates that no impacts are anticipated from mining, The Coal Authority considers that this further consideration of ground conditions should also apply to the potential area of coal mining legacy in the Ashton Gate/Barons Close area of the project.

Yours sincerely

*Mark Harrison*

**Mark E. N. Harrison** *B.A.(Hons), DipTP, LL.M, MInstLM, MRTPI*  
**Planning Liaison Manager**

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

Mr Will Spencer  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

**Our ref:** WX/2015/128055/01-L01  
**Your ref:** TR040011  
**Date:** 24 July 2015

Dear Mr Spencer

## **EIA SCOPING & REG 9 NOTIFICATION - PORTISHEAD BRANCH LINE (METROWEST PHASE 1)**

Thank you for your consultation regarding the above, which was received on 2 July 2015.

The Environment Agency is essentially satisfied in respect of the general scope of the proposed EIA however, the following comments must be noted:

### **Flood Risk Management**

The Agency welcomes the reference to the requisite Flood Risk Assessment (FRA) which reflects both the proposed development's fluvial and tidal flood risk, and the requirement to adopt sustainable drainage practices. The applicant is aware that a robust FRA is required that quantifies the current and future flood risk, which incorporates the appropriate allowance for the predicted impact of climate change, within the catchment(s) over the lifetime of the development.

The Agency would advise that all pertinent flood sources and flood zones are clearly identified within the FRA, to inform the decision making process. With regard to any areas of designated flood zone 3b (functional floodplain) within the application site, it is important to identify the proposed development as 'Essential Infrastructure', in accordance with the requirements of the NPPF. Water compatible development and essential infrastructure, which is required to remain operational during a flood event, are the only development classifications considered compatible with flood zone 3b, subject to the Exception Test being successfully applied. Accordingly, it is essential to determine the various options available to defend the development over its lifetime and consider appropriate flood resilience measures to avoid any flood related disruption to operations. Emergency planning and flood warning options must also be considered, to compliment any built measures.

Environment Agency  
Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

The applicant has previously been advised that a key element of the FRA will be the status of the Portishead tidal flood defences, due to their current condition. It is not considered appropriate to state “Persimmon to resolve the ongoing matters concerning the defence”. The applicant should consider appropriate means to assist in resolving the matters relevant to the coastal defences, or additional mitigation measures to provide the necessary level protection.

The proposed development is viewed as an opportunity to improve the condition of the existing culverts on the Drove Rhyne, south of the M5.

### **Biodiversity**

The Agency must recommend the inclusion of appropriate otter assessments/surveys, particularly in respect of breeding sites and the use of any areas near watercourses, in relation to the construction stage of the project. Additionally, appropriate mitigation will be required during construction, including the covering of work holes/trenches at night, to avoid accidental trapping etc. The provision of otter passes must be considered, to avoid any need to cross rail lines.

### **Groundwater/Contaminated Land**

It is noted that there is the potential for contamination of controlled waters due to the mobilisation of historical contamination resulting from historic land uses along the application site i.e. a gas works, railway land, made ground from refuse tips and slag heaps. The Agency’s interpretation of the submitted documentation is that any contamination encountered will be dealt with during the construction phase on an ad-hoc basis instead of through appropriate strategies and prior investigations. The Agency’s concern is that if contamination is present, any unexpected disturbance may result in the contamination of controlled waters.

Clearly the prior investigation of the site, together with the preparation of an appropriate strategy for the management of contaminated land, would reduce any potential impact on controlled waters.

### **Water Quality/Pollution Prevention**

The Agency has particular concerns regarding the potential for new and altered track drainage, containing unacceptable levels of silt, causing pollution of watercourses. The identified issue at Ham Green Lake should not be referred to as ‘*In the past.*’ This problem has been ongoing for many years and despite attempts at mitigation, is still not resolved. The lake owner’s representatives have been in frequent contact with Network Rail regarding improvements and compensation. The Agency has also been involved in these protracted discussions.

The Agency would advise that the ‘*Drainage design including pollution control on outfalls*’ should not be underestimated. There are other locations such as Charlton Tunnel drainage ‘*improvements*’ which are still causing pollution and are currently being discussed with Network Rail.

These discharges are not a significant risk to all watercourses, but it is critical to consider the sensitivity of the receiving water.

The Agency would be pleased to advise further in respect of the above issues.

Yours sincerely

**Mr Dave Pring**  
**Planning Specialist**

Direct dial 01278 484627

Direct fax 01278 452985

Direct e-mail [dave.pring@environment-agency.gov.uk](mailto:dave.pring@environment-agency.gov.uk)

End





**From:** Margaret.Ketteridge@gtc-uk.co.uk [mailto:Margaret.Ketteridge@gtc-uk.co.uk]  
**Sent:** 03 July 2015 11:40  
**To:** Environmental Services  
**Subject:** TR040011

Dear Sirs

With reference to the above, I can confirm that the following have no comments to make at this moment in time.

Quadrant Pipelines Limited  
GTC Pipelines Limited  
Independent Pipelines Limited  
The Electricity Network Company  
Independent Power Networks Limited

Kind Regards

Maggie

Maggie Ketteridge  
*Engineering Support Officer*  
GTC  
Energy House  
Woolpit Business Park  
Woolpit  
Bury St Edmunds  
Suffolk, IP30 9UP  
Tel: 01359 245406  
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Web: [www.gtc-uk.co.uk](http://www.gtc-uk.co.uk)



FAO Will Spencer  
EIA and Land Rights Advisor  
Major Applications and Plans  
The Planning Inspectorate  
Temple Quay House  
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Bristol  
BS1 6PN

HID Policy - Land Use planning  
NSIP Consultations  
Building 2.2  
Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS  
email: [NSIP.applications@hse.gsi.gov.uk](mailto:NSIP.applications@hse.gsi.gov.uk)

Dear Mr Spencer

Date 21 July 2015  
Your ref: TR040011

**Proposed Portishead Branch Line (MetroWest Phase 1) (the Project)  
Proposal by North Somerset Council (the applicant)  
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9**

Thank you for your communication dated 26 June 2015 regarding the information to be provided in an environmental statement relating to the above project.

HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

**HSE's land use planning advice**

Will the proposed development fall within any of HSE's consultation distances?

With reference to the plans contained in the document Portishead Branch Line (MetroWest Phase 1) Project, Scoping Report, June 2015 HSE has identified two Major Accident Hazard Pipelines (Natural Gas), Operator Wales and West Utilities, which traverse the proposed railway development in the vicinity of Lodwey.

HSE is unable to provide specific LUP advice regarding this proposal until details of any proposed alterations/upgrade to these Major Accident Hazard Pipeline(s) are made available to HSE, by the Applicant / Pipe-line Operator. Only on receipt of this information will HSE be in a position to provide case specific LUP advice. However providing appropriate risk reduction measures are employed, which includes adequate separation distances for pipelines which run parallel with any proposed track routing, it would be unlikely that HSE would advise against the current proposal.

A parcel of the permanent land acquisition associated with the proposed Portishead Railway Station (Figure 2.1 Indicative Red Line Plan for Scoping Sheet 1 of 23, Drwg 490327-012-001-1 rev 1) falls within the HSE Outer Consultation Zone of Coleman (UK), Gordano Gate, Wynham, Portishead, Bristol, North Somerset, BS20 7GG (HSE H3528). HSE is unable to provide specific LUP advice regarding this proposal until details of the proposed land use

relating to the permanent land acquisition is made available to HSE by the Applicant. Only on receipt of this information will HSE be in a position to provide case specific LUP advice.

### Hazardous Substance Consent

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

### Explosives sites

The proposed Project does not impinge on any licensed explosives sites. Therefore, HSE has no comment to make.

### **Electrical Safety**

The project involves connections to electrical power distribution systems and has an impact on the existing generation, transmission and distribution assets on the UK mainland. In the light of that, HSE offers the following comments:

As well as satisfying general health and safety legislation (i.e. the Health and Safety at Work etc. Act 1974 and supporting regulations), the proposed design and future operations must comply with the Electricity at Work Regulations 1989 and the Electricity, Safety, Continuity and Quality Regulations 2002 as amended. Generators, distributors, their contractors and others have defined duties in order to protect members of the public from the dangers posed by the electrical equipment used. HSE enforces the safety aspects of these regulations. If you have any doubts about the particular application of these regulations in terms of either the operation or construction of generators, substations, overhead lines or underground cables please contact Mr J C Steed, Principle Specialist Electrical Inspector, either at [john.steed@hse.gsi.gov.uk](mailto:john.steed@hse.gsi.gov.uk) or Rose Court GSW, 2 Southwark Bridge Road, London, SE1 9HS.

Please send any further electronic communication on this project directly to HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to Mr Dave (MHPD) Adams at the above address.

Yours sincerely



Dave Adams (Mr)

Our ref: SRN/JA  
Your ref: TR040011

The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Mrs Jacqui Ashman  
Asset Manager  
2/08K  
Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6HA

Direct Line: 0117 372 8756  
15 July 2015

**For the attention of Will Spencer**

Dear Will

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9**

**Application by for an Order Granting Development Consent for the Portishead Branch Line (MetroWest Phase 1)**

**Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested**

Highways England is a statutory consultee on Development Consent Orders under the Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

In your notification of 26 June 2015 you have invited Highways England to provide comments on the scope of an Environmental Impact Assessment in respect of Portishead Branch Line (MetroWest Phase 1) and we welcome the opportunity to engage with you at this early stage.

I have set out below both the general and specific areas of concern that Highways England would wish to see considered as part of an Environmental Impact Assessment. The comments relate specifically to matters arising from our responsibilities to manage and maintain the Strategic Road Network (SRN) in England.

Comments relating to the local road network should be sought from the appropriate local highway authority.

General aspects to be addressed in all cases:

- A full and comprehensive assessment of highway and transport related impacts of the proposal should be carried out and reported in accordance with the scope of assessment agreed with Highways England in advance.

- Environmental impact arising from any disruption during construction including a full assessment of any changes in traffic volume, composition or routing. Any required transport infrastructure modification (temporary or permanent) should be fully assessed and reported.
- Adverse change to noise and to air quality should be particularly considered, including in relation to compliance with the European air quality limit values and/or in local authority designated Air Quality Management Areas (AQMAs).
- No new connections are permitted to the Highways England drainage network. In the case of an existing 'permitted' connection, this can only be retained if there is no land use change.
- Development must not lead to any surface water flooding on the Strategic Road Network (SRN) carriageway.

Location specific considerations:

- Highways England would expect the transport assessment for the development to consider and address any issues arising on the strategic road network, specifically at M5 J19. We further suggest that it should consider and address whether any changes will need to be made to, but not limited to, structures, culverts, drains or landscaping which either owned or maintained by Highways England. We urge the applicant's consultants to contact us to discuss the scope of the assessment being produced.

It should be noted that the comments provided above relate to matters that Highways England considers should be addressed within a subsequent Environmental Impact Assessment. The responsibility for determining the final scope of the Environmental Statement would rest with the Secretary of State. This advice should not be construed by the applicant as a pre-determined view as to the acceptability of the proposed development in traffic, environmental or highway terms.

Yours sincerely



Mrs Jacqui Ashman  
Network Delivery & Development (South West)  
Email: jacqui.ashman@highwaysengland.co.uk



Historic England

SOUTH WEST OFFICE

Mr Will Spencer  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Dial: 0117 975 0742

Our ref: PA00383387

Your ref: TR040011

15 July 2015

Dear Mr Spencer

**Request for Pre-application Advice**

**PORTISHEAD BRANCH LINE (METROWEST PHASE 1), BRISTOL**

It is for the local authority to determine whether an EIA should be prepared for the proposed development. However, from the information given, Historic England is concerned that there may be an impact on the historic environment and therefore considers that the local authority should request the applicant to carry out an EIA in relation to the historic environment.

Our initial assessment identifies that the following assets could be affected by the proposed development:

Listed Buildings:

- Church of St George - grade II\*
- Clifton Suspension Bridge and two toll houses - grade I
- Swing Bridge over north entrance lock- grade II\*
- 15, The Paragon - grade II\*
- Promenade House - grade II\*
- Taylor Maxwell House - grade II\*
- Brunel's South Entrance Lock - grade II\*
- Swing Bridge over Brunel's south entrance lock - grade II\*
- The Colonnade - grade II\*
- No.1-14 Paragon - grade II\*
- Engineers House - grade II\*
- Trafalgar House - grade II\*
- Alva House - grade II\*
- Freeland Court - grade II\*
- Clifton Observatory - grade II\*



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 1308  
HistoricEngland.org.uk



*Historic England is subject to the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.*

*Historic England will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.*



## SOUTH WEST OFFICE

- Numbers 2 - 9 Albemare Row - grade II\*
- Church of St Mary - grade I

## Registered Park and Garden: Berkeley Castle

- Ashton Court - grade II\*

## Scheduled Monuments:

- Clifton Down Camp, Clifton.
- Stokeleigh Camp : a promontory for in Leigh Woods
- Part of the Roman settlement in Abonae

We would expect the EIA to examine the potential impacts upon all heritage assets, including designated heritage assets and their settings together with non-designated features of historic, architectural, archaeological or artistic interest. These assets can be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This assessment should cover buildings, historic open spaces, historic features and the wider historic landscape including below-ground archaeology. The methodology should follow the HE Guidance "The Setting of Heritage Assets" Advice Note 3 and be undertaken by a recognised, professional heritage consultant.

In general terms, Historic England advises that a number of considerations will need to be taken into account when proposals of this nature are being considered:

- The potential impact upon the landscape, especially if a site falls within an area of historic landscape.
- Direct impacts upon historic sites and areas, whether statutorily protected or not. All grades of listed buildings should be identified.
- Indirect impacts, particularly the setting of listed buildings, scheduled monuments, registered landscapes (parks, gardens and battlefields) conservation areas etc., including long views.
- Photomontages should include views with the specific assets noted as well as the proposed development accurately scaled in the same view.
- The potential for buried archaeology.
- Effects on landscape amenity.
- Cumulative impacts.

Direct and indirect impact on Scheduled Monuments and Grade I and II\* should be assessed, including views to and from and their settings. The impact on Grade II Listed Buildings should also be assessed - though these are not noted above.



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*Historic England will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.*



Historic England

SOUTH WEST OFFICE

Historic England advises that the local authority's conservation and archaeology advisers are closely involved throughout the preparation of the Environmental Statement.

If you have any queries about the above or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely



**Simon Robertshaw**

Inspector of Historic Buildings and Areas

E-mail: [simon.robertshaw@HistoricEngland.org.uk](mailto:simon.robertshaw@HistoricEngland.org.uk)



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*Historic England is subject to the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.*

*Historic England will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.*



Date: 24 May 2014  
Our ref: 158049  
Your ref: TRO40011



Will Spencer  
EIA and Land Rights Advisor  
on behalf of the Secretary of State  
**BY EMAIL ONLY**  
environmentalservices@infrastructure.gsi.gov.uk

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Mr Spencer

## **Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9**

### **Application by for an Order Granting Development Consent for the Portishead Branch Line (MetroWest Phase 1)**

#### **Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested**

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 26 June 2015, which we received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development. More detailed comment on the content of the report entitled *Portishead Branch Line (MetroWest Phase 1) EIA Scoping Report* is given in Annex B to this letter.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Amanda Grundy on 07900 608311. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

<sup>1</sup> Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

<sup>2</sup> *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

<http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>



We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Amanda Grundy  
Somerset, Avon & Wiltshire Area Team

## Annex A – Advice related to EIA Scoping Requirements

### 1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

### 2. Biodiversity and Geology

#### 2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

#### 2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition

paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Planning Inspectorate) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

### **2.2.1 Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites)**

The development site is within Avon Gorge SSSI and Avon Gorge Woodland SAC and is in the near vicinity of the following designated nature conservation sites:

- Severn Estuary SSSI
- Severn Estuary SPA
- Severn Estuary Ramsar site
- Horseshoe Bend, Shirehampton SSSI
- Ham Green SSSI
- Quarry Steps, Durdham Down SSSI
- Leigh Woods National Nature Reserve (NNR)

In addition, there are a number of nationally and internationally designated sites relating to greater and lesser horseshoe bats within a 15km radius from the proposed development site, the nearest being Kings Wood and Urchin Wood SSSI, which is a component of the North Somerset and Mendip Bat SAC. Given the mobile nature of these species, their use of the wider area and likely interchange between roosts, the potential indirect effects of the proposed development on greater and lesser horseshoe bats will need to be carefully considered as part of the EIA .

Further information on the above designated sites and their special interest features can be found at [www.natureonthemap.naturalengland.org.uk](http://www.natureonthemap.naturalengland.org.uk). The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects. Natura 2000 network site conservation objectives are available on our internet site [here](#).

In this case the proposal is not directly connected with, or necessary to, the management of European sites. In our view it is likely that it will have a significant effect on internationally designated sites and therefore will require assessment under the Habitats Regulations. We recommend that there should be a separate section of the Environmental Statement to address impacts upon European and Ramsar sites.

### **2.3 Regionally and Locally Important Sites**

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include

proposals for mitigation of any impacts and if appropriate, compensation measures. Please contact Avon Wildlife Trust and the Bristol Environmental Records Centre for further information.

#### **2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010**

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

#### **2.5 Habitats and Species of Principal Importance**

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.



The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

## 2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the Bristol Biological Records Centre, Avon Wildlife Trust, the Avon RIGS Group or other recording society and local landscape characterisation documents).

## 3. Designated Landscapes and Landscape Character

### 3.1 Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

### 3.2 Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or

historic interest. An up-to-date list may be obtained at [www.hmrc.gov.uk/heritage/lbsearch.htm](http://www.hmrc.gov.uk/heritage/lbsearch.htm) and further information can be found on Natural England's landscape pages [here](#).

#### 4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

##### 4.1 Rights of Way, Access land and coastal access

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

#### 5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the Environmental Statement:

- The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved. This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see [www.magic.gov.uk](http://www.magic.gov.uk). Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.
- If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.
- Proposals for handling different types of topsoil and subsoil and the storage of soils and their management whilst in store. Reference could usefully be made to [MAFF's Good Practice Guide for Handling Soils](#) which comprises separate sections, describing the typical choice of machinery and method of their use for handling soils at various phases. The techniques described by Sheets 1-4 are recommended for the successful reinstatement of higher quality soils.
- The method of assessing whether soils are in a suitably dry condition to be handled (i.e. dry and friable), and the avoidance of soil handling, trafficking and cultivation during the wetter winter period.

- A description of the proposed depths and soil types of the restored soil profiles; normally to an overall depth of 1.2 m over an evenly graded overburden layer.
- The effects on land drainage, agricultural access and water supplies, including other agricultural land in the vicinity.
- The impacts of the development on farm structure and viability, and on other established rural land use and interests, both during the site working period and following its reclamation.
- A detailed Restoration Plan illustrating the restored landform and the proposed after uses, together with details of surface features, water bodies and the availability of outfalls to accommodate future drainage requirements.

The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#).

## 6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

## 7. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

## 8. Contribution to local environmental initiatives and priorities

The applicant should consider how this development can contribute to local initiatives and priorities, such as any green infrastructure strategies or policies and any environmental enhancement schemes, for example the Avon Gorge & Downs Wildlife Project and A Forgotten Landscape Heritage Lottery Landscape Partnership Project.

## 9. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;

- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

### **Ancient Woodland – addition to the S41 NERC Act paragraph**

The S41 list includes six priority woodland habitats, which will often be ancient woodland.

Information about ancient woodland can be found in Natural England's standing advice [http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland\\_tcm6-32633.pdf](http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf).

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 118)<sup>2</sup> which states:

*'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'*

## **Annex B: Specific comments on Portishead Branch Line (MetroWest Phase 1) EIA Scoping Report**

The scheme includes 3 main elements comprising: the New Railway Portishead to Pill, which will involve the reinstatement of an abandoned railway between Portishead and Pill; the 'Portbury Freight Line' which will involve the upgrading of the existing line and; 'Other works' which may include improvements to Parsons Street Junction and line works between Parsons Street Junction and Temple Meads, re-signalling of the entire line between Portishead and Temple Meads, a possible extension at Clifton Down on the Severn Beach line and a turn back facility at Bathampton.

The scoping report confirms that the DCO application will relate to the Portishead Branch Line and does not include works required on the Portbury Freight Line, or 'other works' which are expected to be undertaken by Network Rail under permitted development rights.

We note that the part of the project that runs through the Avon Gorge is not part of the DCO application and is currently planned to be dealt with under permitted development rights. It should be noted that relevant consents/assents will be needed for any operation likely to affect the Avon Gorge SSSI. In such circumstances, full details of the works, including any access arrangements, will need to be provided. This will require very careful consideration to ensure no damage to the designated site.

The Scoping Report, coupled with the Baseline Report, appears to be reasonably comprehensive and we are content with the suggested approach to the preparation of the ES. We are also pleased to note that the impact assessment and assessment of the significance of effects will be largely based on the relevant volumes of the Design Manual for Roads and Bridges (DMRB) and other widely accepted methodologies, including the Guidelines for Ecological Impact Assessment in the United Kingdom (IEEM 2006).

Natural England is generally satisfied that the scoping report has identified the main issues in relation to landscape and public access, and in most respects for ecology and biodiversity. We are also satisfied with the rationale for scoping out some matters for further assessment. However we would like to make following recommendations in relation to ecology and biodiversity:-

### **Portbury Wharf Nature Reserve**

The New Railway Portishead to Pill lies partly within the Portbury Wharf Nature Reserve/local site, which is adjacent to the Severn Estuary designated site. It is possible that bird species associated with the SSSI, SPA and Ramsar will be present in significant numbers at certain times of the year and that the reserve may provide functionally linked habitat. We recommend that the EIA includes consideration of potential impacts on birds to understand whether there may be indirect effects on the Severn Estuary designated site. We would expect Avon Wildlife Trust to be well placed to advise on the use of their site by birds, but further bird surveys may be needed to inform the EIA and HRA.

### **Avon Gorge Woodlands SAC (and SSSI)**

We note that the minor works required on the Portbury Freight Line within the Avon Gorge Woodlands SAC will be confined to the existing corridor and are unlikely to require vegetation clearance, although some localised vegetation clearance might be needed to construct a new signal which may affect SAC qualifying features and habitats for species such as dormouse (7.4.3). 7.4.4 also notes that the operation of the new passenger service may increase disturbance to fauna, including bats, and result in localised air pollution due to emissions which may indirectly impact on flora. We would like to see any details about the definition of the corridor and any proposed change in corridor vegetation management that could occur as a result of the upgrade to public use included in the EIA.

The Ecology and Biodiversity chapter of the scoping report advises that Phase 1 and 2 Habitat surveys and a range of protected species have been undertaken for the disused section of the

railway from Portishead to Pill. A Phase 1 survey was undertaken for the Portbury Freight Line in March 2014. A phase 1 survey is unlikely to be detailed enough to recognise the potential SSSI / SAC interest present. We are also aware that the extent of the land in Network Rail ownership extends into the SSSI/SAC, well beyond the railway line in some places, and the extent of the Phase 1 survey study area is not clear. Consideration should also be given to the protection of the interest features / habitats present along the tow path and adjacent areas of Leigh Woods, which could be affected by large scale works if access was proposed here.

We note that some sections of the railway ballast along the track have been described as distinctly species rich, but that none of the rare plants found within the Avon Gorge Woodlands SAC were noted as being present (7.3.24). Natural England would not expect these rare species to be present on the ballast, but we do consider there is potential for them to be present around the steep tunnel portals and other areas of quarried or natural rock face - if they are present and likely to be affected by the works, suitable management of these areas to protect and benefit these rare species should be included with the proposals. Network Rail has a duty to manage the designated site to protect and enhance these species.

Two stands of invasive non-native species Japanese knotweed were also recorded (7.3.25). The Scoping Report does not identify other non-native species, such as Holm Oak, Cotoneasters, Cherry laurel and Rhododendron, which are a particular problem within the SAC. NE is also concerned about the introduction of other invasive and non-native species commonly found along railway lines into the designated site and we recommend that details of how the infestations of potentially damaging species will be avoided and managed into the future are also considered in the EIA.

We also note that there are features with potential to be affected by the works that provide suitable habitat opportunities for a range of species, including bats, amphibians, dormouse and badgers (7.3.28).

The Scoping Report considers the cumulative impacts of MetroWest Phase 1 and advises that the works required on the Portbury Freight Line within the Avon Gorge Woodlands SAC are minor and will be confined to the existing railway corridor, although it also suggests the operation of the railway through the SAC may increase disturbance to species, including bats, and result in localised air pollution, which may indirectly impact on flora (7.4.4). Further details of what will be involved in these works and the rationale for describing them as minor will be needed in the EIA.

With the above in mind, we are pleased to note that the cumulative impacts of the permitted development works required along the Portbury Freight Line that will not form part of the DCO will be considered in the ES (7.4.6) and we would expect this to include a full and detailed description of the of the 'minor scale' works being proposed within the Avon Gorge Woodlands SAC/SSSI and the 'other works' required outside the SAC. For example details should include and describe any infrastructure replacement such as the security fencing either side of the railway line along the gorge. Natural England understands that a lack of suitable fencing is known to be an issue which is adversely affecting other parts of the SSSI/SAC in terms of trespass. Any fencing would need to take account of the rare whitebeams present on the edge of the track in some places. This information will be necessary to enable Natural England to determine whether these works can be carried out under permitted development rights.

## Habitat Regulations Assessment

### Avon Gorge Woodlands SAC

The Scoping Report suggests in that in addition to its forest and heath habitats, Avon Gorge Woodlands SAC is designated for greater and lesser horseshoe bats (1.3.26). The Appropriate Assessment Screening Matrix identifies the key features of the Avon Gorge Woodlands SAC, but also suggests greater and lesser horseshoe bats are listed as an Annex ii species for the site.

However we can confirm that these species are not qualifying features of the SAC or SSSI. Notwithstanding this, both greater and lesser horseshoe bats are known to present in the River Avon corridor and throughout the study area - this is supported by survey results showing GHS LHS and other bat species are present on both sides of the gorge, perhaps most notably, the large lesser horseshoe maternity roost at Clarkencombe Lodge in Ashton Court SSSI.

We are pleased therefore that the Appropriate Assessment Screening Matrix relating to the North Somerset and Mendip Bat SAC and the Bath & Bradford on Avon Bat SAC recognises the possibility that horseshoe bats are moving between sites, especially greater horseshoes, which can travel significant distances between roosts. It is acknowledged that there is potential for disturbance to bats as a result of the scheme, although we note that none is anticipated, as the footprint of the works are outside known habitats for these species. The Scoping Report also states that if disturbance to bats is identified, mitigation will be implemented.

A sound understanding of how horseshoe bats use the area will be needed to inform the design, construction and operation stages of the works and any avoidance and mitigation measures that may be necessary. Natural England recommends that this is addressed fully in the EIA and HRA.

The screening assessment concludes that 'sufficient uncertainty remains' regarding the impacts on Avon Gorge Woodlands SAC and significant effects cannot be fully determined until details environmental assessment relating to noise and air quality have been undertaken. It recommends that the screening report is reviewed following completion of further surveys and studies to finalise the conclusion of likely significant effect.

While we agree that an assessment of noise and air quality will be needed, we also advise that an assessment of the potential impacts from works within Portbury Wharf Nature Reserve on the Severn Estuary SPA and Ramsar site, an assessment of potential impacts on horseshoe bats in relation to the two bat SACs, and an assessment of all works that are proposed to be carried out under permitted development rights on the Avon Gorge Woodlands SAC will be needed before a conclusion can be reached about whether a likely significant effect on European sites can be ruled out.

### **Consenting Regimes and Environmental Assessment - Licensing**

Please note that it appears likely that a European Protected Species licence will be required to address the impacts of the proposed development on European protected species, including bats, dormice and great crested newts. A shadow licence will be required to be in place at the submission stage of the DCO.

# North Somerset Levels Internal Drainage Board

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*Your Ref: PI/MW/26-06-2015 TR040011*

*Our Ref: PI/MW/GO/170/100*

Date: 24 July 2015

The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

Dear Sir/Madam

## **Portishead Branch Line (Metro West Phase 1)**

Thank you for the recent consultation regarding the Portishead Branch Line Project (Metro West Phase 1).

I am writing to express the views of the North Somerset Levels Drainage Boards (NSLIDB) regarding this proposal.

The North Somerset Levels Drainage Board is a statutory public bodies with responsibilities for flood protection, land drainage, water level management and the environment.

With regard to this project, our principal interest is to ensure that the watercourse network can be operated and maintained for appropriate drainage, water level management and environmental standards and that the proposed works will not adversely affect any Board activity.

Key objectives for the Board are to:

- Ensure access for watercourse maintenance purposes is preserved or enhanced.
- Retain the ability to improve or widen watercourses if future conditions require.
- Control the discharge into watercourses.
- Retain or improve ecological value of all watercourses.

The Board has been in early consultation with the applicant and their consultants over the last 12 months with a view to establishing some key principles that will ensure the impact of this proposal on the Boards interests is limited and controlled.

These main principles are:

- Any new or modified infrastructure, including rail track, haul roads, fencing, compound areas or any other construction, is sited at least 9m away from the banks of any watercourse. We would wish to continue to regulate activities under our Land Drainage Byelaws. Land Drainage Byelaws Consent will be required from the Board for any proposals within the 9m Byelaw width.
- Any watercourse access crossing point, cabling that passes beneath any watercourse, or any other construction in, under or over any watercourse is constructed in such a way that will not adversely impact the on the ability of the watercourse to function properly, be maintained efficiently or be improved in future. We regulate these activities under section 23 of the Land Drainage Act 1991. Land Drainage Consent for these types of proposal will be required from the Board.
- Any new construction will not increase the surface water runoff rate or volume of water entering the drainage network or detrimentally affect surface water distribution within the local or wider catchments. Land Drainage Consent will be required for any new connections or modifications to existing connections to the watercourses.



The applicant has already provided us with preliminary details regarding some of these aspects and we will continue to work with them to ensure that satisfactory arrangements are agreed prior to any formal application from Metro West for Land Drainage Consents.

The Board considers the documents presented at this stage to be satisfactory. However the Board will require more detailed consultation going forward including input in the preparation of the documents that will form the DCO application. It may be beneficial to consider the preparation of a Statement of Common Ground ("SoCG") between the North Somerset Levels Drainage Board and the applicant to give a clear understanding between both parties of what is required and agreed. This document can also list items which are not agreed and require further negotiations which are ongoing through the planning process.

The Board did have some technical concerns during our preliminary discussions with the applicant who was notified via their consultants. We are confident that these can be addressed during the more detailed design stage.

We also would like to ensure that no permanent loss or damage of habitat arises as a consequence of the development proposals, and we would be keen to agree appropriate replacement/mitigation with the applicant, where this cannot be avoided.

Finally we would ask that during the DCO application process leading on to the commencement of the construction, sufficient time is allowed for further consultation with the Board should conditional approval be granted subject to further changes. Our concern is that should you require the applicant to modify their proposals for other reasons, we will need to have more time to re-consider the impact of such changes on the Boards interest.

If you have any questions or require any further clarification please do not hesitate to get in contact.

Yours faithfully

A black rectangular redaction box covering the signature of Giles Oliver.

**Giles Oliver**

**Engineer to the North Somerset Levels Drainage Board**



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Your Ref : TR040011  
Our Ref : CIRIS 15664

FAO:- Will Spencer

23rd July 2014

Dear Sirs,

**Re: Scoping Consultation  
Application for an Order Granting Development Consent for the proposed  
Portishead Branch Line (MetroWest Phase 1)**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). However, we believe that the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this

decision is made, the promoters should fully explain and justify their rationale in the submitted documentation.

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF). The proposer should confirm either that the proposed development does include or impact upon any potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely,

Allister Gittins  
NSIP Consultations Team

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

## **Appendix: PHE recommendations regarding the scoping document**

### **General approach**

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA<sup>1</sup>. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>2</sup>.

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

### **Receptors**

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

### **Impacts arising from construction and decommissioning**

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning

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<sup>1</sup> Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

<http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

<sup>2</sup> DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

### **Emissions to air and water**

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)

- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
  - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
  - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

#### *Additional points specific to emissions to air*

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)

- should include modelling taking into account local topography

#### *Additional points specific to emissions to water*

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

#### **Land quality**

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed<sup>3</sup> and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

#### **Waste**

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<sup>3</sup> Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

### **Other aspects**

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>4</sup>, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

### **Electromagnetic fields (EMF)**

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

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<sup>4</sup> Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>



In March 2004, the National Radiological Protection Board, NRPB (now part of PHE), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

PHE notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

[http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH\\_4089500](http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500)

For static magnetic fields, the latest ICNIRP guidelines (2009) recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT as advised by the International Electrotechnical Commission.

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively  $5 \text{ kV m}^{-1}$  (kilovolts per metre) and  $100 \text{ } \mu\text{T}$  (microtesla). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on the HPA website:

[http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info\\_IcnirpExpGuidelines/](http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info_IcnirpExpGuidelines/)

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf)

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to "Document Index" and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

[http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice\\_sage/](http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage/)

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by PHE, supports the view that precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The measures should be proportionate in that overall benefits outweigh the fiscal and social costs,

have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the First SAGE Interim Assessment is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16<sup>th</sup> October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107124](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)

HPA and Government responses to the Second Interim Assessment of SAGE are available at the following links:

[http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice\\_sage2/](http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2/)

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_130703](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703)

The above information provides a framework for considering the health impact associated with the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

**Liaison with other stakeholders, comments should be sought from:**

- the local authority for matters relating to noise, odour, vermin and dust nuisance
- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance

- the Clinical Commissioning Groups, NHS commissioning Boards and Local Planning Authority for matters relating to wider public health

## Annex 1

### Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach<sup>5</sup> is used

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<sup>5</sup> Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

## **APPENDIX 3 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT**

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- (a) that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but*
- (b) that includes at least the information required in Part 2 of Schedule 4.*

*(EIA Regulations Regulation 2)*

The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

The Secretary of State advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The Secretary of State recommends that the ES be concise with technical information placed in appendices.

### **ES Indicative Contents**

The Secretary of State emphasises that the ES should be a 'stand-alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

Schedule 4 Part 1 of the EIA Regulations states this information includes:

*17. Description of the development, including in particular—*

- (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
- (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
- (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*

*18. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*

*19. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.*

*20. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:*

- (a) the existence of the development;*
- (b) the use of natural resources;*
- (c) the emission of pollutants, the creation of nuisances and the elimination of waste,*

*and the description by the applicant of the forecasting methods used to assess the effects on the environment.*

*21. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.*

*22. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.*

*23. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.*

*(EIA Regulations Schedule 4 Part 1)*

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the Secretary of State recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

*24. A description of the development comprising information on the site, design and size of the development*

*25. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects*

*26. The data required to identify and assess the main effects which the development is likely to have on the environment*

*27. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and*

*28. A non-technical summary of the information provided [under the four paragraphs of Schedule 4 part 2 above].*

*(EIA Regulations Schedule 4 Part 2)*

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Secretary of State considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

## **Balance**

The Secretary of State recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The Secretary of State considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.



## Scheme Proposals

The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The Secretary of State is not able to entertain material changes to a project once an application is submitted. The Secretary of State draws the attention of the applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

## Flexibility

The Secretary of State acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

It is a matter for the applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

The Rochdale Envelope principle (*see R v Rochdale MBC ex parte Tew (1999) and R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form

of the structures and of any buildings. Lighting proposals should also be described.

## Scope

The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

### Physical Scope

In general the Secretary of State recommends that the physical scope for the EIA should be determined in the light of:

- The nature of the proposal being considered;
- The relevance in terms of the specialist topic;
- The breadth of the topic;
- The physical extent of any surveys or the study area; and
- The potential significant impacts.

The Secretary of State recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

### Breadth of the Topic Area

The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

## **Temporal Scope**

The assessment should consider:

- Environmental impacts during construction works;
- Environmental impacts on completion/operation of the proposed development;
- Where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for example, in order to allow for traffic growth or maturing of any landscape proposals); and
- Environmental impacts during decommissioning.

In terms of decommissioning, the Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The Secretary of State encourages consideration of such matters in the ES.

The Secretary of State recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

The Secretary of State recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

## **Baseline**

The Secretary of State recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

The Secretary of State recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed

with the relevant statutory bodies and appropriate consultees, wherever possible.

The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

## **Identification of Impacts and Method Statement**

### **Legislation and Guidelines**

In terms of the EIA methodology, the Secretary of State recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

In terms of other regulatory regimes, the Secretary of State recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

### **Assessment of Effects and Impact Significance**

The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).

As a matter of principle, the Secretary of State applies the precautionary approach to follow the Court's reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the proposed development will have an effect, and not that a development will definitely have an effect.

The Secretary of State considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The Secretary of State recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The Secretary of State considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

The Secretary of State recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The Secretary of State recommends that a common format should be applied where possible.

### **Inter-relationships between environmental factors**

The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

The Secretary of State considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

### **Cumulative Impacts**

The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities on the basis of those that are:

- Projects that are under construction;
- Permitted application(s) not yet implemented;
- Submitted application(s) not yet determined;
- All refusals subject to appeal procedures not yet determined;
- Projects on the National Infrastructure's programme of projects; and
- Projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and

how these have been taken into account as part of the assessment will be crucial in this regard.

The Secretary of State recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

For the purposes of identifying any cumulative effects with other developments in the area, applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

### **Related Development**

The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

The Secretary of State recommends that the applicant should distinguish between the proposed development for which development consent will be sought and any other development. This distinction should be clear in the ES.

### **Alternatives**

The ES must set out an outline of the main alternatives studied by the applicant and provide an indication of the main reasons for the applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

Matters should be included, such as inter alia alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

The Secretary of State advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

### **Mitigation Measures**

Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any

residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

The Secretary of State advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

### **Cross References and Interactions**

The Secretary of State recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

### **Consultation**

The Secretary of State recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local

community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

## Transboundary Effects

The Secretary of State recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the Secretary of State recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website

## Summary Tables

The Secretary of State recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

**Table X:** to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

**Table XX:** to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

**Table XXX:** to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

**Table XXXX:** to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

## Terminology and Glossary of Technical Terms

The Secretary of State recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the



surrounding site. A glossary of technical terms should be included in the ES.

## **Presentation**

The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate. Appendices must be clearly referenced, again with all paragraphs numbered. All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

## **Confidential Information**

In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Planning Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

## **Bibliography**

A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

## **Non-Technical Summary**

The EIA Regulations require a Non-Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.